
PRELIMINARY DRAFT

No. 3832

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 20-24; IC 20-25.

Synopsis: Title 20 recodification. Articles 24 and 25. (New cite order, with queries.)

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning recodification of education laws.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-24 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 24. CHARTER SCHOOLS

Chapter 1. Definitions

[20-5.5-1-1] Sec. 1. The definitions in this chapter apply throughout this article.

[20-5.5-1-1.3] Sec. 2. ~~Sec. 1-3:~~ "ADM of the previous year" or "ADM of the prior year" has the meaning set forth in IC 21-3-1.6-1.1(m).

[20-5.5-1-1.5] ~~Sec. 1-5: "Average daily membership" or "ADM" has the meaning set forth in IC 21-3-1.6-1.1(d):~~

[20-5.5-1-2] ~~Sec. 2: "Board" refers to the Indiana state board of education established by IC 20-1-1-1:~~

[20-5.5-1-3] Sec. 3. "Charter" means a contract between an organizer and a sponsor for the establishment of a charter school.

[20-5.5-1-4] Sec. 4. "Charter school" means a public elementary school or secondary school established under this article that:

(1) is nonsectarian and nonreligious; and

(2) operates under a charter.

[20-5.5-1-5] Sec. 5. "Conversion charter school" means a charter school established under ~~IC 20-5.5-1-1~~ **IC 20-24-11** by the conversion of an existing school into a charter school. ~~"Existing school" includes a new school to which students from other schools in the school corporation are assigned or transferred: The term includes a new school to which students from other schools in the school corporation are assigned or transferred.~~

[20-5.5-1-5.5] Sec. 6. ~~Sec. 5-5:~~ "Current ADM" has the meaning set forth in IC 21-3-1.6-1.1(n).

[20-5.5-1-6] ~~Sec. 6: "Department" refers to the department of education established by IC 20-1-1-1-2:~~



1 [20-5.5-1-7] ~~Sec. 7: "Elementary school" has the meaning set forth~~
 2 ~~in IC 20-10.1-1-15.~~

3 [20-5.5-1-8] ~~Sec. 8: "Governing body" has the meaning set forth in~~
 4 ~~IC 20-10.1-1-5.~~

5 [20-5.5-1-9] ~~Sec. 7. Sec. 9: "Organizer" means a group or an entity~~
 6 ~~that:~~

7 (1) has been determined by the Internal Revenue Service to be
 8 operating under ~~not-for-profit~~ **nonprofit** status or has applied for
 9 such determination; and

10 (2) enters into a contract under this article to operate a charter
 11 school.

12 [20-5.5-1-10] ~~Sec. 10: "Parent" has the meaning set forth in~~
 13 ~~IC 20-1-1-8-8.~~

14 [20-5.5-1-11] ~~Sec. 8. Sec. 11: "Proposal" refers to a proposal from~~
 15 ~~an organizer to establish a charter school.~~

16 [20-5.5-1-12] ~~Sec. 12: "Public school" has the meaning set forth in~~
 17 ~~IC 20-10.1-1-2.~~

18 [20-5.5-1-13] ~~Sec. 13: "School corporation" has the meaning set~~
 19 ~~forth in IC 20-10.1-1-1.~~

20 [20-5.5-1-14] ~~Sec. 14: "Secondary school" means a high school: (as~~
 21 ~~defined in IC 20-10.1-1-16).~~

22 [20-5.5-1-15] ~~Sec. 9. Sec. 15: "Sponsor" means, for a charter school,~~
 23 ~~one (1) of the following:~~

24 (1) A governing body.

25 (2) A state educational institution (as defined in IC 20-12-0.5-1)
 26 that offers a four (4) year baccalaureate degree.

27 (3) The executive (as defined in IC 36-1-2-5) of a consolidated
 28 city.

29 [20-5.5-1-16] ~~Sec. 16: "Teacher" has the meaning set forth in~~
 30 ~~IC 20-6.1-1-8.~~

31 **Chapter 2. Charter Schools Generally**

32 [20-5.5-2-1] Sec. 1. A charter school may be established under this
 33 article to provide innovative and autonomous programs that do the
 34 following:

35 (1) Serve the different learning styles and needs of public school
 36 students.

37 (2) Offer public school students appropriate and innovative
 38 choices.

39 (3) ~~Afford~~ **Provide** varied opportunities for professional
 40 educators.

41 (4) Allow public schools freedom and flexibility in exchange for
 42 exceptional levels of accountability.

43 (5) Provide parents, students, community members, and local
 44 entities with an expanded opportunity for involvement in the
 45 public school system.

46 [20-5.5-2-2] Sec. 2. A charter school is subject to all federal and



state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.

Chapter 3. Establishment of Charter Schools

[20-5.5-3-1] Sec. 1. A sponsor may grant a charter to an organizer to operate a charter school under this article.

[20-5.5-3-2] Sec. 2. A sponsor may not grant a charter to a for-profit organizer.

[20-5.5-3-3.1] Sec. 3. ~~Sec. 3-1.~~ The organizer's constitution, charter, articles, or bylaws must contain a clause ~~that provides~~ **providing** that upon dissolution:

- (1) all remaining assets, except funds specified in ~~subsection (2),~~ **subdivision (2)**, shall be used for nonprofit educational purposes; and
- (2) remaining funds received from the department shall be returned to the department not more than thirty (30) days after dissolution.

[20-5.5-3-3.2] Sec. 4. ~~Sec. 3-2.~~ (a) An organizer may submit to the sponsor a proposal to establish a charter school.

(b) A proposal must contain at least the following information:

- (1) Identification of the organizer.
- (2) A description of the organizer's organizational structure and governance plan.
- (3) The following information for the proposed charter school:
 - (A) Name.
 - (B) Purposes.
 - (C) Governance structure.
 - (D) Management structure.
 - (E) Educational mission goals.
 - (F) Curriculum and instructional methods.
 - (G) Methods of pupil assessment.
 - (H) Admission policy and criteria, subject to ~~IC 20-5.5-5.~~ **IC 20-24-5.**
 - (I) School calendar.
 - (J) Age or grade range of pupils to be enrolled.
 - (K) A description of staff responsibilities.
 - (L) A description and the address of the physical plant.
 - (M) Budget and financial plans.
 - (N) Personnel plan, including methods for selection, retention, and compensation of employees.



- 1 (O) Transportation plan.
 2 (P) Discipline program.
 3 (Q) Plan for compliance with any applicable desegregation
 4 order.
 5 (R) The date when the charter school is expected to:
 6 (i) begin school operations; and
 7 (ii) have students ~~in attendance at~~ **attending** the charter
 8 school.
 9 (S) The arrangement for providing teachers and other staff
 10 with health insurance, retirement benefits, liability insurance,
 11 and other benefits.
 12 (4) The manner in which **the sponsor will [QUERY: MUST?]**
 13 **conduct** an annual audit of the program operations of the charter
 14 school. ~~is to be conducted by the sponsor.~~
 15 (c) This section does not waive, limit, or modify the provisions of:
 16 (1) ~~IC 20-7.5 IC 20-29~~ in a charter school where the teachers
 17 have chosen to organize under ~~IC 20-7.5; IC 20-29~~; or
 18 (2) an existing collective bargaining agreement for noncertificated
 19 employees (as defined in ~~IC 20-7.5-1-2~~; **IC 20-29-2-11**).
 20 [20-5.5-3-4] Sec. 5. ~~Sec. 4:~~ (a) This ~~subsection~~ **section** applies only
 21 to a sponsor that is the executive of a consolidated city.
 22 (b) Before issuing a charter, the sponsor must receive the approval
 23 of a majority of the members of the legislative body (as defined in
 24 IC 36-1-2-9) of the consolidated city for the establishment of a charter
 25 school. The sponsor may issue charters for charter schools located
 26 ~~within in~~ the consolidated city.
 27 [20-5.5-3-5] Sec. 6. ~~Sec. 5:~~ (a) Except as provided in subsection (b),
 28 if a governing body grants a charter to establish a charter school, the
 29 governing body must provide a noncharter school that students of the
 30 same age or grade levels may attend.
 31 (b) The department may waive the requirement that a governing
 32 body provide a noncharter school under subsection (a) upon the request
 33 of the governing body.
 34 [20-5.5-3-6] Sec. 7. ~~Sec. 6:~~ The sponsor may revoke the charter of
 35 a charter school that does not, by the date specified in the charter:
 36 (1) begin school operations; and
 37 (2) have students ~~in attendance at~~ **attending** the charter school.
 38 [20-5.5-3-7] Sec. 8. ~~Sec. 7:~~ Before granting a charter under which
 39 more than fifty percent (50%) of the students in ~~the a~~ school
 40 corporation will attend a charter school, ~~a the~~ governing body of the
 41 **school corporation** must receive the approval of the department.
 42 [20-5.5-3-8] Sec. 9. ~~Sec. 8:~~ A sponsor must notify an organizer ~~who~~
 43 **that** submits a proposal under section ~~3-2 4~~ of this chapter of **the**:
 44 (1) ~~the~~ acceptance of the proposal; or
 45 (2) ~~the~~ rejection of the proposal;
 46 not later than sixty (60) days after the organizer submits the proposal.



1 [20-5.5-3-9] Sec. 10. ~~Sec. 9:~~ (a) A sponsor must notify the
2 department of the following:

- 3 (1) ~~The~~ Receipt of a proposal.
4 (2) ~~The~~ Acceptance of a proposal.
5 (3) ~~The~~ Rejection of a proposal, including the reasons for the
6 rejection.

7 (b) The department shall annually do the following:

- 8 (1) Compile the information received under subsection (a) into a
9 report.
10 (2) Submit the report in an electronic format under IC 5-14-6 to
11 the legislative council.

12 [20-5.5-3-10] Sec. 11. ~~Sec. 10:~~ If a sponsor rejects a charter school
13 proposal, the organizer may:

- 14 (1) amend the charter school proposal and resubmit the proposal
15 to the same sponsor;
16 (2) submit a charter school proposal to another sponsor; or
17 (3) appeal the decision to the charter school review panel ~~created~~
18 **in established by** section ~~11~~ **12** of this chapter.

19 [20-5.5-3-11] Sec. 12. ~~Sec. 11:~~ (a) This section applies if the
20 sponsor rejects a proposal.

21 (b) The organizer may appeal the decision of the sponsor to the
22 charter school review panel ~~created under~~ **established by** subsection
23 (c).

24 (c) The charter school review panel is ~~created:~~ **established.** The
25 members of the panel are **as follows:**

- 26 (1) The governor or the governor's designee.
27 (2) The state superintendent, ~~of public instruction,~~ who shall chair
28 the panel.
29 (3) A member of the **state** board appointed by the state
30 superintendent. ~~of public instruction.~~
31 (4) A person with financial management experience appointed by
32 the governor. ~~and~~
33 (5) A community leader with knowledge of charter school issues
34 appointed jointly by the governor and the state superintendent. ~~of~~
35 ~~public instruction.~~

36 ~~Members~~ **A member** shall serve a two (2) year term and may be
37 reappointed to the panel upon expiration of ~~their terms:~~ **the member's**
38 **term.**

39 (d) All decisions of the panel shall be determined by a majority vote
40 of the panel's members.

41 (e) Upon the request of an organizer, the panel shall meet to
42 consider the organizer's proposal and the sponsor's reasons for rejecting
43 the proposal. The panel must allow the organizer and sponsor to
44 participate in the meeting.

45 (f) After the panel meets under subsection (e), the panel shall make
46 one (1) of the following ~~three (3)~~ findings and issue the finding to the



1 organizer and the sponsor:

2 (1) A finding that supports the sponsor's rejection of the proposal.

3 (2) A finding that:

4 (A) recommends that the organizer amend the proposal; and

5 (B) specifies the changes to be made in the proposal if the
6 organizer elects to amend the proposal.

7 (3) A finding that approves the proposal.

8 The panel shall issue the finding not later than forty-five (45) days after
9 the panel receives the request for review.

10 (g) If the panel makes a finding described in subsection (f)(1), the
11 finding is final.

12 (h) If the panel makes a finding described in subsection (f)(2), the
13 organizer may amend the proposal according to the panel's
14 recommendations and resubmit the proposal directly to the panel.

15 (i) If the panel makes a finding described in subsection (f)(3), the
16 proposal is considered conditionally approved. The approval shall be
17 considered final upon ~~the~~ delivery to the panel of written notice from
18 the organizer and an eligible sponsor, as identified in ~~IC 20-5.5-1-15,~~
19 **IC 20-24-1-9**, that the sponsor has agreed to serve as a sponsor for the
20 proposal approved by the panel.

21 (j) Proposals approved under this section shall not be counted under
22 any numerical limits placed upon a sponsor or set of sponsors.

23 [20-5.5-3-12] Sec. 13. ~~Sec. 12:~~ (a) The department shall monitor the
24 number of charter schools approved by universities.

25 (b) ~~Within~~ **Not more than** six (6) months after twenty (20) charter
26 schools have been approved by universities, the department shall issue
27 a report to the charter school review panel identifying:

28 (1) the purpose and organization of all charter schools sponsored
29 by universities;

30 (2) the procedure by which charter schools have been approved
31 and monitored by university sponsors; and

32 (3) recommendations regarding the future of university
33 sponsorships.

34 (c) The report ~~completed~~ **issued** under subsection (b) shall be
35 submitted in an electronic format under IC 5-14-6 to the legislative
36 council.

37 [20-5.5-3-13] Sec. 14. ~~Sec. 13:~~ (a) This section applies to university
38 sponsors.

39 (b) **Except as provided in subsection (c),** the ultimate
40 responsibility for choosing to sponsor a charter school and
41 responsibilities for maintaining sponsorship ~~shall~~ rest with the
42 university's board of trustees.

43 (c) ~~Notwithstanding subsection (b),~~ The university's board of
44 trustees may vote to assign sponsorship authority and sponsorship
45 responsibilities to another person or entity that functions under the
46 direction of the university's board. ~~Any decisions~~ **A decision** made



under this subsection shall be communicated in writing to the department of education and the charter school review panel.

(d) Before a university may sponsor a charter school, the university must conduct a public meeting with public notice in the county where the charter school will be located.

~~(e) A university may not sponsor a charter school in Marion County. This subsection expires June 30, 2005.~~

~~(f) The total number of charter schools that may be approved and opened in a calendar year by all university sponsors may not exceed five (5). This subsection expires June 30, 2005.~~

[20-5.5-3-14] Sec. 15. ~~Sec. 14:~~ (a) This section applies to charter schools sponsored by the mayor of a consolidated city.

(b) The number of charter schools may not be more than five (5) during the 2001 calendar year.

(c) During each year after calendar year 2001, the maximum number of charter schools is ~~greater by five (5) than the maximum number for the previous year.~~ **increased by five (5).**

(d) The limits resulting from subsections (b) and (c) ~~shall be~~ **are** cumulative from year to year. However, there ~~shall be no~~ **may not be any** accumulation ~~from during the period beginning~~ **from** January 1, 2003, ~~through and ending~~ **through** December 31, 2005. **[QUERY: Can this be amended to remove 2001 and 2003 references? Since the actual numbers for those two years are known, may those be used instead?]**

[20-5.5-3-15] Sec. 16. ~~Sec. 15:~~ **Neither** An entity ~~nor or~~ **nor** multiple divisions of the same entity may **not** serve simultaneously as both the organizer and the sponsor of the same charter school.

Chapter 4. The Charter

[20-5.5-4-1] Sec. 1. A charter must ~~do~~ **meet** the following requirements:

- (1) Be a written instrument.
- (2) Be executed by a sponsor and an organizer.
- (3) Confer certain rights, franchises, privileges, and obligations on a charter school.
- (4) Confirm the status of a charter school as a public school.
- (5) Be granted for:
 - (A) not less than three (3) years; and
 - (B) a fixed number of years agreed to by the sponsor and the organizer.
- (6) Provide for:
 - (A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect; and
 - (B) renewal, if the sponsor and the organizer agree to renew



- 1 the charter.
- 2 (7) Specify the grounds for the sponsor to:
- 3 (A) revoke the charter before the end of the term for which the
- 4 charter is granted; or
- 5 (B) not renew a charter.
- 6 (8) Set forth the methods by which the charter school ~~is~~ **will be**
- 7 held accountable for achieving the educational mission and goals
- 8 of the charter school, including the following:
- 9 (A) Evidence of improvement in:
- 10 (i) assessment measures, including ISTEP and ~~Graduation~~
- 11 ~~Qualifying Exam~~, **the graduation examination;**
- 12 (ii) attendance rates;
- 13 (iii) graduation rates (if appropriate);
- 14 (iv) increased numbers of Core 40 diplomas (if appropriate);
- 15 and
- 16 (v) increased numbers of academic honors diplomas (if
- 17 appropriate).
- 18 (B) Evidence of progress toward reaching the educational
- 19 goals set by the organizer.
- 20 (9) Describe the method to be used to monitor the charter
- 21 school's:
- 22 (A) compliance with applicable law; and
- 23 (B) performance in meeting targeted educational performance.
- 24 (10) Specify that the sponsor and the organizer may amend the
- 25 charter during the term of the charter by mutual consent and
- 26 describe the process for amending the charter.
- 27 (11) Describe specific operating requirements, including all ~~of~~ the
- 28 matters set forth in the application for the charter.
- 29 (12) Specify a date when the charter school will:
- 30 (A) begin school operations; and
- 31 (B) have students ~~in attendance at~~ **attending** the charter
- 32 school.
- 33 (13) Specify that records of a charter school relating to the
- 34 school's operation and charter are subject to inspection and
- 35 copying to the same extent that records of a public school are
- 36 subject to inspection and copying under IC 5-14-3.
- 37 (14) Specify that records provided by the charter school to the
- 38 department or sponsor that relate to compliance by the operator
- 39 **[QUERY: WHO IS THE "OPERATOR"? SHOULD THIS**
- 40 **BE "ORGANIZER"? (IN COMPANION BILL?)]** with the
- 41 terms of the charter or applicable state or federal laws are subject
- 42 to inspection and copying in accordance with IC 5-14-3.
- 43 (15) Specify that the charter school is subject to the requirements
- 44 of IC 5-14-1.5.

45 **Chapter 5. Student Admissions and Enrollment**

46 [20-5.5-5-1] Sec. 1. Except as provided in this chapter, a



~~nonconversion~~ charter school **that is not a conversion charter school** must be open to any student who resides in Indiana.

[20-5.5-5-1] Sec. 2. **(a)** A student may attend a charter school outside the district in which the student resides if the **student's** parent determines that an academic program at the charter school would enhance the student's academic opportunities.

(b) If the governing body **of the school corporation** in which the student resides determines that ~~such~~ a transfer would not improve the student's academic opportunities, the governing body may appeal to the **state** board. ~~Within~~ **Not later than** forty-five (45) days ~~of~~ **after** receiving the appeal, the **state** board shall conduct a hearing and decide whether to uphold or reverse the parent's decision to enroll **the student** in the charter school.

(c) During the **state** board's consideration, the parents of the student ~~shall be allowed to~~ **may** testify, but the governing body ~~shall have~~ **has** the burden of proof for demonstrating that the charter school does not provide additional or unique academic opportunities that exceed those available at the school corporation.

[20-5.5-5-2] Sec. 3. ~~Sec. 2:~~ Except as provided in this chapter, a conversion charter school must be open to any student residing in the local school corporation. By joint agreement of the sponsor and organizer, a conversion charter school may ~~open its enrollment to~~ **enroll** students **residing** outside ~~of~~ the local school corporation.

[20-5.5-5-3] Sec. 4. ~~Sec. 3:~~ Except as provided in this chapter, a charter school may not establish admission policies or limit student admissions in any manner in which a public school is not permitted to establish admission policies or limit student admissions.

[20-5.5-5-4] Sec. 5. ~~Sec. 4:~~ (a) Except as provided in subsections (b), (c), and (d), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission.

(c) A charter school may limit new admissions to the charter school to:

- (1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years; and
- (2) allow the siblings of a student who attends a charter school to attend the charter school.

(d) This subsection applies to an existing school that converts to a charter school under ~~IC 20-5.5-11~~ **IC 20-24-11**. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:



- (1) those students who were enrolled in the charter [QUERY:
COMPANION BILL QUESTION: SHOULD THIS BE
"EXISTING"] school on the date of the conversion; and
 (2) siblings of students described in subdivision (1).

**Chapter 6. Employment of Teachers and Other Personnel;
 Collective Bargaining**

[20-5.5-6-1] Sec. 1. (a) Except as provided in subsection (b), individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.

(b) Teachers in a conversion charter school are employees of both the charter school and the school corporation that sponsored the charter school. For purposes of the collective bargaining agreement, conversion charter school teachers are considered employees of the school corporation that sponsored the charter school.

(c) All benefits accrued by teachers as employees of the conversion charter school are the financial responsibility of the conversion charter school. The conversion charter school ~~is required to~~ **shall** pay those benefits directly or ~~to~~ reimburse the school corporation for the cost of the benefits.

(d) All benefits accrued by a teacher during the time ~~that~~ the teacher was an employee only of the school corporation that sponsored the charter school are the financial responsibility of the school corporation. The school corporation ~~is required to~~ **shall** pay those benefits directly or ~~to~~ reimburse the conversion charter school for the cost of the benefits.

(e) For any other purpose **not otherwise stated in this section**, a teacher is an employee of the charter school.

[20-5.5-6-2] Sec. 2. Individuals must choose to be teachers at a charter school voluntarily, and a charter school ~~shall~~ **must** voluntarily choose ~~such~~ **those** individuals to be its teachers.

[20-5.5-6-3] Sec. 3. Employees of a charter school may organize and bargain collectively under ~~IC 20-7-5~~ **IC 20-29**.

[20-5.5-6-4] Sec. 4. (a) This section applies to a conversion charter school.

(b) After the conversion, the teachers in a conversion charter school remain part of the bargaining unit of the sponsor and are subject to all the provisions of the collective bargaining agreement.

(c) The governing body, the equivalent body of the conversion charter school, and the exclusive representative may by mutual agreement grant a waiver of a specific provision of the collective bargaining agreement.

(d) Noncertificated employees (as defined in ~~IC 20-7.5-1-2~~) **IC 20-29-2-1**) ~~shall~~ remain in existing bargaining units and are covered under existing collective bargaining agreements.

[20-5.5-6-5] Sec. 5. (a) An individual who teaches in a charter



1 school must either:

2 (1) hold a license to teach in a public school in Indiana under

3 IC 20-6.1-3[?]; or

4 (2) be in the process of obtaining a license to teach in a public

5 school in Indiana under the transition to teaching program ~~set~~

6 ~~forth in established by IC 20-6.1-3-11. IC 20-28-4-2.~~

7 (b) An individual described in subsection (a)(2) must complete the

8 transition to teaching program not later than three (3) years after

9 beginning to teach at a charter school.

10 (c) An individual who provides ~~a service~~ to students in a charter

11 school **a service:**

12 (1) that is not teaching; and

13 (2) for which a license is required under Indiana law;

14 must have the appropriate license to provide the service in Indiana.

15 [20-5.5-6-6] Sec. 6. A charter school may employ a substitute

16 teacher or an individual who holds a limited license to teach in the

17 same manner in which a noncharter public school may employ a

18 substitute teacher or an individual who holds a limited license to teach.

19 [20-5.5-6-7] Sec. 7. (a) A charter school shall participate in the

20 following:

21 (1) The Indiana state teachers' retirement fund in accordance with

22 IC 21-6.1.

23 (2) The public employees' retirement fund in accordance with

24 IC 5-10.3.

25 (b) A person who teaches in a charter school is a member of the

26 Indiana state teachers' retirement fund. Service in a charter school is

27 creditable service for purposes of IC 21-6.1.

28 (c) A person who:

29 (1) is a local school employee of a charter school; and

30 (2) is not eligible to participate in the Indiana state teachers'

31 retirement fund;

32 is a member of the public employees' retirement fund.

33 (d) The boards of the Indiana state teachers' retirement fund and the

34 public employees' retirement fund shall implement this section through

35 the organizer of the charter school, subject to and conditioned upon

36 receiving any approvals either board considers appropriate from the

37 Internal Revenue Service and the United States Department of Labor.

38 [20-5.5-6-8] Sec. 8. The decision by a sponsor whether to grant a

39 charter ~~shall is not be~~ subject to restraint by ~~the a~~ collective bargaining

40 agreement.

41 [20-5.5-6-9] Sec. 9. ~~As~~ **Whenever** a school corporation grants a

42 charter to a charter school and individuals choose and are chosen by

43 the charter school to teach in the charter school, the school corporation

44 may make personnel adjustments among its noncharter school teachers

45 that the school corporation believes are necessary or appropriate to

46 match existing resources with existing needs in its noncharter schools.



If, as part of ~~such~~ the adjustments, the school corporation eliminates a teaching position within the corporation, the legal or contractual provisions, if any, ~~that~~ otherwise ~~applicable~~ **apply** to the teacher in one (1) of ~~its~~ the noncharter schools whose contract with the school corporation is canceled as a result of the elimination of the position within the school corporation ~~shall~~ continue to apply to that teacher.

[20-5.5-6-10] Sec. 10. (a) The governing body:

(1) must grant a transfer of not more than two (2) years; and

(2) may grant a transfer for a period of time in addition to the period required in subdivision (1);

to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.

(b) During the term of the transfer under subsection (a):

(1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and

(2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under ~~IC 20-6-1-4~~ **IC 20-28-6, IC 20-28-7, or IC 20-28-8.**

Chapter 7. Fiscal Matters

[20-5.5-7-1] Sec. 1. (a) The organizer is the fiscal agent for the charter school.

(b) The organizer has exclusive control of:

(1) funds received by the charter school; and

(2) financial matters of the charter school.

(c) The organizer shall maintain separate accountings of all funds received and disbursed by the charter school.

[20-5.5-7-3] Sec. 2. ~~Sec. 3:~~ (a) Not later than the date established by the department for determining average daily membership, ~~under IC 21-3-1-6-1-1(d)~~, and after May 31 **each year**, the organizer shall submit to the department the following information on a form prescribed by the department:

(1) The number of students enrolled in the charter school.

(2) The name and address of each student.

(3) The name of the school corporation in which the student has legal settlement.

(4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.

(5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported.

(b) This subsection applies after December 31 of the calendar year in which a charter school begins its initial operation. The department shall distribute to the organizer the amount determined under



IC 21-3-1.7 for the charter school. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution under IC 21-3-1.7.

(c) The department shall provide to the department of local government finance the following information:

(1) For each county, the number of students who:

(A) have legal settlement in the county; and

(B) attend a charter school.

(2) The school corporation in which each student described in subdivision (1) has legal settlement.

(3) The charter school that a student described in subdivision (1) attends and the county in which the charter school is located.

(4) The amount determined under IC 6-1.1-19-1.5(f) STEP EIGHT for 2004 and IC 6-1.1-19-1.5(b) STEP SIX for 2005 for each school corporation described in subdivision (2).

(5) The amount determined under STEP TWO of the following formula:

STEP ONE: Determine the product of:

(A) the amount determined under IC 21-3-1.7-6.7(d) or IC 21-3-1.7-6.7(e) for a charter school described in subdivision (3); multiplied by

(B) thirty-five hundredths (0.35).

STEP TWO: Determine the product of:

(A) the STEP ONE amount; multiplied by

(B) the current ADM of a charter school described in subdivision (3).

(6) The amount determined under STEP THREE of the following formula:

STEP ONE: Determine the number of students described in subdivision (1) who:

(A) attend the same charter school; and

(B) have legal settlement in the same school corporation located in the county.

STEP TWO: Determine the subdivision (5) STEP ONE amount for a charter school described in STEP ONE (A).

STEP THREE: Determine the product of:

(A) the STEP ONE amount; multiplied by

(B) the STEP TWO amount.

[20-5.5-7-3.5] Sec. 3. ~~Sec. 3-5:~~ (a) This section applies to a conversion charter school.

(b) Not later than the date established by the department for determining average daily membership, ~~under IC 21-3-1.6-1.1(d),~~ and after July 2, the organizer shall submit to a governing body on a form prescribed by the department the information reported under section ~~3(a)~~ **2(a)** of this chapter for each student who:

(1) is enrolled in the organizer's conversion charter school; and



1 (2) has legal settlement in the governing body's school
2 corporation.

3 (c) Beginning not more than sixty (60) days after the department
4 receives the information reported under section ~~3(a)~~ **2(a)** of this
5 chapter, the department shall distribute to the organizer:

6 (1) tuition support and other state funding for any purpose for
7 students enrolled in the conversion charter school;

8 (2) a proportionate share of state and federal funds received for
9 students with disabilities or staff services for students with
10 disabilities for students with disabilities enrolled in the
11 conversion charter school; and

12 (3) a proportionate share of funds received under federal or state
13 categorical aid programs for students who are eligible for the
14 federal or state categorical aid and are enrolled in the conversion
15 charter school;

16 for the second six (6) months of the calendar year in which the
17 conversion charter school is established. The department shall make a
18 distribution under this subsection at the same time and in the same
19 manner as the department makes a distribution to the governing body
20 of the school corporation in which the conversion charter school is
21 located. A distribution to the governing body of the school corporation
22 in which the conversion charter school is located is reduced by the
23 amount distributed to the conversion charter school. This subsection
24 does not apply to a conversion charter school after December 31 of the
25 calendar year in which the conversion charter school is established.

26 (d) This subsection applies beginning with the first property tax
27 distribution described in IC 6-1.1-27-1 to the governing body of the
28 school corporation in which a conversion charter school is located after
29 the governing body receives the information reported under subsection
30 (b). Not more than ten (10) days after the governing body receives a
31 property tax distribution described in IC 6-1.1-27-1, the governing
32 body shall distribute to the conversion charter school the amount
33 determined under STEP THREE of the following formula:

34 STEP ONE: Determine the quotient of:

35 (A) the number of students who:

36 (i) are enrolled in the conversion charter school; and

37 (ii) were counted in the ADM of the previous year for the
38 school corporation in which the conversion charter school is
39 located; divided by

40 (B) the current ADM of the school corporation in which the
41 conversion charter school is located.

42 In determining the number of students enrolled under clause
43 (A)(i), each kindergarten ~~pupil~~ **student** shall be counted as
44 one-half (1/2) ~~pupil~~ **student**.

45 STEP TWO: Determine the total amount of the following
46 revenues to which the school corporation in which the conversion



1 charter school is located is entitled for the second six (6) months
 2 of the calendar year in which the conversion charter school is
 3 established:

4 (A) Revenues obtained by the school corporation's:

5 (i) general fund property tax levy; and

6 (ii) excise tax revenue (as defined in IC 21-3-1.7-2).

7 (B) The school corporation's certified distribution of county
 8 adjusted gross income tax revenue under IC 6-3.5-1.1 that is
 9 to be used as property tax replacement credits.

10 STEP THREE: Determine the product of:

11 (A) the STEP ONE amount; multiplied by

12 (B) the STEP TWO amount.

13 (e) Subsection (d) does not apply to a conversion charter school
 14 after the later of the following dates:

15 (1) December 31 of the calendar year in which the conversion
 16 charter school is established.

17 (2) Ten (10) days after the date on which the governing body of
 18 the school corporation in which the conversion charter school is
 19 located receives the final distribution described in IC 6-1.1-27-1
 20 of revenues to which the school corporation in which the
 21 conversion charter school is located is entitled for the second six
 22 (6) months of the calendar year in which the conversion charter
 23 school is established.

24 (f) This subsection applies during the second six (6) months of the
 25 calendar year in which a conversion charter school is established. A
 26 conversion charter school may apply for an advance from the charter
 27 school advancement account under IC 20-5.5-7.5[??] in the amount
 28 determined under STEP FOUR of the following formula:

29 STEP ONE: Determine the result under subsection (d) STEP
 30 ONE (A).

31 STEP TWO: Determine the difference between:

32 (A) the conversion charter school's current ADM; minus

33 (B) the STEP ONE amount.

34 STEP THREE: Determine the quotient of:

35 (A) the STEP TWO amount; divided by

36 (B) the conversion charter school's current ADM.

37 STEP FOUR: Determine the product of:

38 (A) the STEP THREE amount; multiplied by

39 (B) the quotient of:

40 (i) the subsection (d) STEP TWO amount; divided by

41 (ii) two (2).

42 [20-5.5-7-4] Sec. 4. (a) Services that a school corporation provides
 43 to a charter school, including transportation, may be provided at not
 44 more than one hundred three percent (103%) of the actual cost of the
 45 services.

46 (b) This subsection applies to a sponsor that is a state educational



1 institution described in ~~IC 20-5.5-1-15(1)(B)~~ **IC 20-5.5-1-9(2)**. In a
 2 calendar year, a state educational institution may receive from the
 3 organizer of a charter school sponsored by the state educational
 4 institution an administrative fee equal to not more than three percent
 5 (3%) of the total amount the organizer receives during the calendar
 6 year under IC 6-1.1-19-12 and IC 21-3-1.7-8.2.

7 [20-5.5-7-5] Sec. 5. (a) An organizer may apply for and accept for
 8 a charter school:

9 (1) independent financial grants; ~~or~~ **and**

10 (2) funds from public or private sources other than the
 11 department.

12 (b) An organizer shall make all applications, enter into all contracts,
 13 and sign all documents necessary for the receipt by a charter school of
 14 aid, money, or property from the federal government.

15 [20-5.5-7-6] Sec. 6. With the approval of a majority of the members
 16 of the governing body, a school corporation may distribute a
 17 proportionate share of the school corporation's capital project fund to
 18 a charter school.

19 [20-5.5-7-7] Sec. 7. When a charter school uses public funds for the
 20 construction, reconstruction, alteration, or renovation of a public
 21 building, bidding and wage determination laws and all other statutes
 22 and rules ~~shall~~ apply.

23 [20-5.5-7-8] Sec. 8. A sponsor may request and receive financial
 24 reports concerning a charter school from the organizer at any time.

25 [20-5.5-7-9] Sec. 9. (a) This section applies if:

26 (1) a sponsor:

27 (A) revokes a charter before the end of the term for which the
 28 charter is granted; or

29 (B) does not renew a charter; or

30 (2) a charter school otherwise terminates its charter before the end
 31 of the term for which the charter is granted.

32 (b) Any local or state funds that remain to be distributed to the
 33 charter school in the calendar year in which an event described in
 34 subsection (a) occurs shall be distributed as follows:

35 (1) First, to the common school loan fund to repay any existing
 36 obligations of the charter school under ~~IC 20-5.5-7.5~~ **IC 21-1-33**.

37 (2) Second, to the entities that distributed the funds to the charter
 38 school. A distribution under this subdivision shall be on a pro rata
 39 basis.

40 (c) If the funds described in subsection (b) are insufficient to repay
 41 all existing obligations of the charter school under ~~IC 20-5.5-7.5~~,
 42 **IC 21-1-33**, the state shall repay any remaining obligations of the
 43 charter school under ~~IC 20-5.5-7.5~~ **IC 21-1-33** from the amount
 44 appropriated for distributions under IC 21-3-1.7.

45 **Chapter 8. Charter School Powers and Exemptions**

46 [20-5.5-8-1] Sec. 1. A charter school may do the following:



(1) Sue and be sued in its own name.

(2) For educational purposes, acquire real and personal property or an interest in real and personal property by purchase, gift, grant, devise, or bequest.

(3) Convey property.

(4) Enter into contracts in its own name, including contracts for services.

[20-5.5-8-2] Sec. 2. A charter school may not do the following:

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(B) a latch key program;

if the charter school provides those programs.

(3) Except for a foreign exchange student who is not a United States citizen, enroll a ~~pupil~~ **student** who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide home based instruction.

[20-5.5-8-3] Sec. 3. For each charter school established under this article, the charter school and the organizer are accountable to the sponsor for ensuring compliance with:

(1) applicable federal and state laws;

(2) the charter; and

(3) the Constitution of the State of Indiana.

[20-5.5-8-4] Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

(1) ~~Any~~ **An** Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the ~~Indiana~~ state board. ~~of education.~~

(3) A rule or guideline adopted by the professional standards board established by ~~IC 20-1-1.4-2,~~ **IC 20-28-2-1(a)**, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

[20-5.5-8-5] Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) ~~IC 20-1-1.5~~ **IC 20-26-6-5** (unified accounting system).

(3) ~~IC 20-1-6~~ **IC 20-35** (special education).



(4) ~~IC 20-5-2-7~~ **IC 20-26-5-7** and ~~IC 20-6-1-3-7-1~~ **IC 20-28-5-9** (criminal history).

(5) ~~IC 20-5-2-3~~ **IC 20-26-5-3** (subject to laws requiring regulation by state agencies).

(6) ~~IC 20-6-1-4-15~~ **IC 20-28-7-14(b)** (void teacher contract when two (2) contracts are signed).

(7) ~~IC 20-6-1-6-11~~ **IC 20-28-10-12** (nondiscrimination for teacher marital status).

(8) ~~IC 20-6-1-6-13~~ **IC 20-28-10-14** (teacher freedom of association).

(9) ~~IC 20-6-1-6-15~~ **IC 20-28-10-17** (school counselor immunity).

(10) For conversion charter schools only, ~~IC 20-6-1-4~~, ~~IC 20-6-1-5~~, **IC 20-28-6**, **IC 20-28-7**, **IC 20-28-8**, **IC 20-28-9**, and ~~IC 20-6-1-6~~ **IC 20-28-10**.

(11) ~~IC 20-8-1-3~~ **IC 20-33-2** (compulsory school attendance).

(12) ~~IC 20-8-1-4~~ **IC 20-33-5** (limitations on employment of children).

(13) ~~IC 20-8-1-5-1-13~~, ~~IC 20-8-1-5-1-15~~, **IC 20-33-10-13**, **IC 20-33-10-15**, and ~~IC 20-8-1-5-1-15.5~~ **IC 20-33-10-15.5** (student due process and judicial review).

(14) ~~IC 20-8-1-5-1-10~~ **IC 20-33-10-10** (firearms and deadly weapons).

(15) ~~IC 20-8-1-7~~ and ~~IC 20-8-1-8~~ **IC 20-34** (health and safety measures).

(16) ~~IC 20-8-1-12~~ **IC 20-33-11** (reporting of student violations of law).

(17) ~~IC 20-10-1-2-4~~ **IC 20-30-3-2** and ~~IC 20-10-1-2-6~~ **IC 20-30-3-4** (patriotic commemorative observances).

(18) ~~IC 20-10-1-16~~, ~~IC 20-10-1-17~~, **IC 20-31-3**, **IC 20-32-4**, **IC 20-32-5**, **IC 20-32-6**, **IC 20-32-8**, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

(19) ~~IC 20-10-1-22-4~~ **IC 20-33-9** (parental access to education records).

(20) ~~IC 20-10-2~~ **IC 20-31** (accountability for school performance and improvement).

[20-5.5-8-6] Sec. 6. (a) A charter school may not duplicate a Bureau of Apprenticeship and Training (BAT) approved Building Trades apprenticeship program.

(b) A student in a charter school may not be excluded from participating in a BAT approved Building Trades apprenticeship program that is offered in a ~~non-charter~~ **noncharter** school.

Chapter 9. Oversight of Charter Schools; Reporting Requirements; Revocation of Charter

[20-5.5-9-1] Sec. 1. An organizer that has established a charter school shall submit an annual report to the department for



informational and research purposes.

[20-5.5-9-2] Sec. 2. An annual report under this chapter must contain the following information for a charter school:

(1) Results of all standardized testing, including ISTEP and ~~Graduation Qualifying Exam~~; **the graduation examination.**

(2) A description of the educational methods and teaching methods employed.

(3) Daily attendance records.

(4) Graduation statistics (if appropriate), including attainment of Core 40 and academic honors diplomas.

(5) Student enrollment data, including the following:

(A) The number of students enrolled.

(B) The number of students expelled.

(C) The number of students who discontinued attendance at the charter school and the reasons for the discontinuation.

[20-5.5-9-3] Sec. 3. The sponsor shall oversee a charter school's compliance with:

(1) the charter; and

(2) all applicable laws.

[20-5.5-9-4] Sec. 4. Notwithstanding the provisions of the charter, a sponsor that grants a charter may revoke the charter at any time before the expiration of the term of the charter if the sponsor determines that at least one (1) of the following occurs:

(1) The organizer fails to comply with the conditions established in the charter.

(2) The charter school established by the organizer fails to meet the educational goals set forth in the charter.

(3) The organizer fails to comply with all applicable laws.

(4) The organizer fails to meet generally accepted government accounting principles.

(5) One (1) or more grounds for revocation exist as specified in the charter.

[20-5.5-9-5] Sec. 5. A charter school shall report the following to the sponsor:

(1) Attendance records.

(2) Student performance data.

(3) Financial information.

(4) Any information necessary to comply with state and federal government requirements.

(5) Any other information specified in the charter.

[20-5.5-9-6] Sec. 6. The organizer of a charter school shall publish an annual performance report that provides the information required under ~~IC 20-1-21-8~~ **section 2 of this chapter** in the same manner that a school corporation publishes an annual report under ~~IC 20-1-21-~~ **IC 20-25-9. [QUERY: IC 20-1-21-8 DOES NOT SPECIFY THE INFORMATION REQUIRED IN AN ANNUAL REPORT, BUT**



CONCERNS REPORTING PROCEDURES. IC 20-1-21-9 SPECIFIES WHAT A SCHOOL CORPORATION'S ANNUAL REPORT MUST CONTAIN AND IS MORE DETAILED THAN IC 20-5.5-9-2. *SHOULD PROBABLY BE CROSS CITE TO WHATEVER 20-1-21-9 BECOMES.*

Chapter 10. Student Transfers From Charter School to Public Noncharter Schools

[20-5.5-10-1] Sec. 1. A public noncharter school that receives a transfer student from a charter school may not discriminate against the student in any way, including by placing the student:

- (1) in an inappropriate age group according to the student's ability;
- (2) below the student's abilities; or
- (3) in a class where the student has already mastered the subject matter.

Chapter 11. Conversion of Existing Public Schools Into Charter Schools

[20-5.5-11-1] Sec. 1. An existing public elementary or secondary school may be converted into a charter school if the following conditions apply:

- (1) At least sixty percent (60%) of the teachers at the school have signed a petition requesting the conversion.
- (2) At least fifty-one percent (51%) of the parents of students at the school have signed a petition requesting the conversion.

[20-5.5-11-2] Sec. 2. If the conditions of section 1 of this chapter are met, the teachers and parents may appoint a committee to act as organizers for the charter school.

[20-5.5-11-3] Sec. 3. The organizers shall submit a proposal under IC 20-5.5-3[??] to the governing body of the school corporation in which ~~an~~ the existing elementary or secondary school is located to convert the existing school into a charter school.

[20-5.5-11-4] Sec. 4. Only the governing body of the school corporation in which an existing public elementary or secondary school that seeks conversion to a charter school is located may act as the sponsor of the conversion charter school.

SECTION 2. IC 20-25 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 25. INDIANAPOLIS PUBLIC SCHOOLS

Chapter 1. Applicability

[20-3.1-1-1] Sec. 1. This article applies to a common school corporation that:

- (1) is located in whole or in part in the most populous township in a county having a population of more than seven hundred thousand (700,000); and
- (2) serves the largest geographical territory of any school



corporation in the township.

Chapter 2. Definitions

[20-3.1-2-1] Sec. 1. The definitions in this chapter apply throughout this article.

[20-3.1-2-2] ~~Sec. 2: "ADM" has the meaning set forth in IC 21-3-1-6-1-1.~~

[20-3.1-2-3] Sec. 2. ~~Sec. 3:~~ "Administrator" means a full-time employee of a school in the school city who is:

(1) a principal;

(2) an assistant principal; or

(3) any other educational manager at the school.

[20-3.1-2-4] Sec. 3. ~~Sec. 4:~~ "Assessment program" refers to the assessment program ~~created~~ **established** under ~~IC 20-10-2-5~~ **IC 20-31-8** and a test approved by the board's plan developed under ~~IC 20-3-1-7: IC 20-25-10.~~

[20-3.1-2-5] Sec. 4. ~~Sec. 5:~~ "Assessment test" refers to a test administered to students under the assessment program ~~created~~ **established** under ~~IC 20-10-2-5: IC 20-31-8.~~

[20-3.1-2-6] Sec. 5. ~~Sec. 6:~~ "Board" refers to the local board of school commissioners established ~~under~~ **by** ~~IC 20-3-1-1-1: IC 20-25-3-1.~~

[20-3.1-2-7] ~~Sec. 7: "Department" refers to the Indiana department of education established by IC 20-1-1-1-2.~~

[20-3.1-2-8] Sec. 6. ~~Sec. 8:~~ "Designated grade level" refers to ~~the~~ a grade ~~levels~~ **level** tested under the assessment program ~~created~~ **established** under ~~IC 20-10-2-5: IC 20-31-8.~~

[20-3.1-2-9] Sec. 7. ~~Sec. 9:~~ "Educators" means teachers and administrators.

[20-3.1-2-11] Sec. 8. ~~Sec. 11:~~ "Graduation rate" means the graduation rate for a high school:

(1) determined by the method described in 511 IAC 6.1-1-2; and

(2) calculated by the department. **[QUERY - GRADUATION RATE IS NOW DETERMINED UNDER IC 20-8.1-15 - THIS REFERENCE SHOULD BE CHANGED IN THE COMPANION BILL.]**

[20-3.1-2-13] Sec. 9. ~~Sec. 13:~~ "Neighborhood school" means the school of the school city located closest to a student's residence.

[20-3.1-2-14] ~~Sec. 14: "Parent" has the meaning set forth in IC 20-1-1-8-8.~~

[20-3.1-2-17] Sec. 10. ~~Sec. 17:~~ "Remediation rate" means the percentage of students, aggregated by grade, ~~within~~ **in** a school who fail to meet state achievement standards in a designated grade level.

[20-3.1-2-18] Sec. 11. ~~Sec. 18:~~ "Residence" has the meaning set forth in ~~IC 20-8.1-6.1-1(b): IC 20-33-6-1.~~

[20-3.1-2-19] Sec. 12. ~~Sec. 19:~~ "School city" refers to a school corporation to which this article applies.



[20-3.1-2-20] Sec. 13. ~~Sec. 20:~~ "State achievement standards" refers to the state achievement standards ~~for~~ **by** which the assessment program ~~developed~~ **established** under ~~IC 20-10.2-5~~ **IC 20-31-8** assesses students.

[20-3.1-2-21] ~~Sec. 21:~~ "State board" refers to the Indiana state board of education established by ~~IC 20-1-1-1:~~

[20-3.1-2-22] Sec. 14. ~~Sec. 22:~~ "Student" refers to a student ~~who is~~ enrolled in a school city.

[20-3.1-2-23] Sec. 15. ~~Sec. 23:~~ "Student attendance rate" means the student attendance rate for a school as:

(1) determined by the ~~cohort~~ method described in 511 IAC 6.1-1-2; and

(2) calculated by the department.

[20-3.1-2-10] Sec. 16. ~~Sec. 10:~~ "Student performance improvement level" refers to a level of performance improvement in student academic achievement established by the board. ~~which must be no less rigorous than the performance improvement level established by the assessment program developed under IC 20-10.2-5:~~

[20-3.1-2-24] Sec. 17. ~~Sec. 24:~~ "Teacher" means a:

(1) certified; and

(2) full-time;

teacher in the school city.

[20-3.1-2-25] Sec. 18. ~~Sec. 25:~~ "Teacher attendance rate" means the attendance rate for teachers at a school calculated by the board in the same manner as described for the student attendance rate in section ~~23(1)~~ **15(1)** of this chapter.

Chapter 3. Board of School Commissioners; Officers and Employees

[20-3-11-1] Sec. 1. (a) This chapter applies to a common school corporation that:

(1) is located in whole or in part in the most populous township in a county having a population of more than seven hundred thousand (700,000); and

(2) serves the largest geographical territory of any school corporation in the township.

(b) The term "the school city" is used in this chapter to signify any school corporation to which this chapter is or may become applicable. The government, management, and control of all common schools and common school libraries in ~~such the~~ school city ~~corporation shall be~~ and are hereby vested in a board of school commissioners (sometimes called "the board" in this chapter) which shall consist ~~that consists of~~ seven (7) school commissioners.

(c) ~~(b)~~ The corporate name of ~~such the~~ school city ~~shall be~~ is "The Board of School Commissioners of the City of _____" (the blank being filled with the name of ~~such the~~ civil city), and by that corporate name the ~~said~~ school city shall:



- (1) contract;
- (2) be contracted with;
- (3) sue; and
- (4) be sued.

[20-3-11-1] Sec. 2. ~~(d) Said~~ **(a) The school city board of school commissioners shall have and exercise all of has** the following powers:

- (1) The powers conferred upon school cities by Acts 1871, c.15.
- (2) The powers conferred by law as of March 9, 1931, on boards of school commissioners in cities having a population of one hundred thousand (100,000) or more.
- (3) ~~Those~~ **The** powers conferred by all laws in effect as of March 9, 1931, on boards of school commissioners in cities having a population of more than two hundred thousand (200,000) or more than three hundred thousand (300,000).
- (4) ~~Those~~ **The** powers conferred under ~~IC 20-5-1[??] through IC 20-5-6[??]; IC 20-26-1, IC 20-26-2, IC 20-26-3, IC 20-26-4, IC 20-26-5,[??] IC 20-26-6,[??] IC 20-26-7,[??]~~ except as otherwise provided in this chapter.

(b) Each such school city board of school commissioners provided for by this chapter, in its respective school city, ~~shall be~~ **is** liable for and ~~shall must~~ pay and discharge all of the indebtedness, liabilities, and obligations of ~~any a~~ board of school commissioners elected in ~~such the~~ school city under any of the statutes listed in this ~~subsection~~ **section** and under this chapter.

(c) The board, ~~shall;~~ on March 9, 1931, ~~be is~~ vested with the title and ownership of all property of every kind of ~~such the~~ existing school city.

[20-3-11-2] Sec. 3. ~~Sec. 2:~~ **(a)** Each member of the board of school commissioners must:

- (1) be a resident voter of the school city; and ~~must~~
- (2) have been a resident **of the school city** for at least one (1) year immediately preceding the member's election.

(b) A board member may not:

- (1) serve in ~~any an~~ elective or appointive office under the board of school commissioners or under the government of the civil city while serving on the board; ~~A board member may not and~~
- (2) knowingly have a pecuniary interest as ~~defined described~~ in IC 35-44-1-3(g) in ~~any a~~ contract or purchase with the school city in which the member is elected.

If, at any time after ~~the a~~ member is elected to the board, ~~a the~~ board member knowingly acquires a pecuniary interest in ~~any a~~ contract or purchase with the school city, the member ~~shall be is~~ disqualified to continue as a member of the board, and a vacancy in the office is created.

~~(b)~~ **(c)** Each member of the board shall, before assuming the duties of office, take an oath, before a person qualified to administer oaths,



1 that:

- 2 (1) the member possesses all the qualifications required by this
 3 chapter for membership on the board;
 4 (2) the member will honestly and faithfully discharge the duties
 5 of office;
 6 (3) the member will not, while serving as a member of the board,
 7 become interested, directly or indirectly, in any contract with or
 8 claim against the school city, except as authorized by law; and
 9 (4) in the performance of official duties as a member of the board,
 10 including the selection of ~~its~~ **the board's** officers, agents, and
 11 employees, the member will not be influenced by any
 12 consideration of politics or religion; and
 13 **(5) that the member will be controlled in the selection of officers,**
 14 **agents, and employees only by considerations of the merits,**
 15 **merit, fitness, and qualifications of the persons to be selected:**
 16 **qualification.**

17 ~~(c)~~ **(d)** The members of the board are entitled to receive
 18 compensation not to exceed the amount allowed under ~~IC 20-5-3-6[??]~~
 19 **IC 20-26-4-6** and a per diem not to exceed the rate approved for
 20 members of the city-county council established under IC 36-3-4 for
 21 attendance at each regular and committee meeting as determined by the
 22 board.

23 [20-3-11-3.1] Sec. 4. ~~Sec. 3-1:~~ (a) The board of school
 24 commissioners consists of seven (7) members. Each member: ~~shall~~

25 **(1) must** be elected on a nonpartisan basis in primary elections
 26 held in the county as specified in this section; **and**

27 **(2) serves a four (4) year term.**

28 **(b)** Five (5) of the members ~~shall~~ **must** be elected from the school
 29 board districts in which ~~they~~ **the members** reside and two (2) members
 30 ~~shall~~ **must** be elected at large. Not more than two (2) of the members
 31 who serve on the board may reside in the same school board district.
 32 ~~When~~

33 **(c)** If a candidate runs for one (1) of the district positions on the
 34 board, only eligible voters residing in the candidate's district may vote
 35 for that candidate. ~~When~~ **If** a person is a candidate for one (1) of the
 36 at-large positions, eligible voters from all the districts may vote for that
 37 candidate. ~~When~~

38 **(d)** If a candidate files to run for a position on the board, the
 39 candidate must specify whether the candidate is running for a district
 40 or an at-large position. ~~All members elected to the board serve four (4)~~
 41 ~~year terms.~~

42 **(e)** A candidate who runs for a district or an at-large position wins
 43 if the candidate receives the greatest number of votes of all the
 44 candidates against whom the candidate runs.

45 **(f)** Districts shall be established within the school ~~corporation~~ **city**
 46 by the state board. ~~of education.~~ The districts ~~shall~~ **must** be drawn on



the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest **district** not to exceed the population of the smallest **district** by more than five percent (5%). District lines must not cross precinct lines. The state board of education shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

~~(b) (g)~~ Each member of the board of school commissioners serves under ~~section 2~~ **section 3** of this chapter. ~~The vacancies~~

(h) A vacancy in the board of school commissioners ~~shall must~~ be filled temporarily by the school board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. ~~at which time~~ **The successor fills** the vacancy ~~shall be filled~~ for the remainder of the term.

~~(c) Persons~~ **(i) An individual** elected to serve on the board ~~begin~~ **their terms begins the individual's term** on July 1 of the year of ~~their~~ **the individual's** election.

~~(d) (j)~~ Notwithstanding any law to the contrary, ~~voters shall each~~ **voter must** cast ~~their votes a vote~~ **for a school board candidate or** school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices.

[20-3-11-4] Sec. 5. ~~Sec. 4:~~ The board of school commissioners in a school city shall organize in the manner set forth in ~~IC 20-5-3-1~~ **IC 20-26-4-1.**

[20-3-11-5] Sec. 6. ~~Sec. 5:~~ (a) ~~The members~~ **Each member** of ~~all a~~ standing ~~committees~~ **committee** of the board provided for by ~~its the~~ **the board's** rules ~~shall must~~ be appointed by the president within three (3) weeks after ~~the president's~~ election to the office of president.

(b) Subject to the limitations in this chapter, the board ~~shall have~~ **power to may** fix ~~the~~ salaries of ~~all officers each officer~~ and ~~employees~~ **employee** of the board.

(c) The board in:

(1) electing and choosing ~~its a~~ general superintendent; and

(2) **employing** ~~all other~~ agents and employees that ~~the board~~ **considers necessary to conduct** the business of the school corporation may in the board's judgment require to be employed; ~~city;~~

shall choose ~~persons who in the judgment of the board possess~~ **individuals whose** qualifications peculiarly ~~fitting fit~~ the ~~persons~~ respectively for the positions the ~~persons are to~~ **individuals will** occupy. ~~and the~~



(d) The board shall ~~from time to time and as in its judgment the best interests of the school corporation may require;~~ contract for and establish the amount of salary or compensation to be paid to each ~~such~~ officer, agent, and employee chosen or elected by the board. The board shall adopt ~~such a~~ schedule of salaries ~~as that~~ the board considers proper, and for ~~that the purpose of establishing a salary schedule the~~ board may divide ~~all~~ teachers, principals, and other employees into classes based upon efficiency, qualifications, experience, and responsibility. ~~and Each principal, teacher, or employee in any one (1) of such classes shall a class must~~ receive the same regular salary as is given to each of the other members of the same class, subject to ~~IC 20-3-1. IC 20-25.~~

~~(c)~~ (e) The board ~~shall have power:~~ may:

(1) by ~~rules rule to~~ fix the time and the number of meetings of the board, except that one (1) regular meeting ~~shall must~~ be held in each calendar month; and

(2) ~~to~~ make, amend, and repeal bylaws and rules for:

(A) the board's own procedure; and

(B) the government and management of:

(i) the board's schools; and

(ii) property under the board's control.

[20-3-11-6] Sec. 7. ~~Sec. 6: Every~~ Each legislative act of the board ~~shall must~~ be by written resolution.

[20-3-11-7] Sec. 8. ~~Sec. 7:~~ (a) The board ~~shall have power to:~~ may:

(1) determine the number of ~~its~~ employees **of the board;** and ~~to~~

(2) prescribe ~~their the~~ employees' duties; and

(3) fix ~~their the~~ employees' compensation.

(b) The board shall adopt rules for obtaining, by open competition and without regard to religious or political belief, lists of candidates from which all teachers and all other officers and employees ~~shall be~~ are selected. ~~and their~~

(c) The selection ~~shall of a candidate as a teacher, an officer, or an employee must be made with regard only to their based solely on the fitness of the candidate~~ under the rules ~~so~~ adopted under subsection (b).

[20-3-11-8] Sec. 9. ~~Sec. 8:~~ (a) The board shall appoint a general superintendent ~~whenever, by reason of the expiration of the term of if a vacancy occurs or will imminently occur in the office of the~~ superintendent due to the:

(1) ~~expiration of the term; incumbent general superintendent; or by reason of his~~

(2) death, resignation, or removal from office; **of the incumbent superintendent. a vacancy in the office of general superintendent shall occur or be imminent.**

(b) The board's election of a ~~general~~ superintendent ~~shall be~~ is effected by resolution of the board. ~~in which shall be specified The~~



1 **resolution must specify** the day on which the ~~general~~ superintendent's
 2 term ~~shall begin~~ **begins** and the day on which the ~~general~~
 3 superintendent's term ~~shall end~~ **ends**. **The board shall be**
 4 ~~without power to~~ **may not** appoint a ~~general~~ superintendent for a term
 5 longer than four (4) years.

6 (c) The ~~general~~ superintendent's salary ~~shall~~ **must** be prescribed in
 7 the resolution declaring ~~his~~ **the superintendent's** appointment and
 8 ~~shall~~ **must** be paid to ~~him~~ **the superintendent in a frequency**
 9 **determined by the board, but** not less frequently than monthly. ~~as the~~
 10 ~~board shall fix.~~

11 (d) ~~It shall be the duty of the board to:~~ **The board shall:**

12 (1) act upon the recommendations of the ~~general~~ superintendent;
 13 ~~to and~~

14 (2) make ~~all~~ other ~~such~~ decisions and perform ~~all~~ other ~~such~~
 15 duties ~~as that~~ fall within the general framework of the laws of the
 16 state.

17 [20-3-11-9] Sec. 10. ~~Sec. 9:~~ (a) ~~It shall be the duty of~~ The ~~general~~
 18 superintendent ~~to shall~~ act as general administrator of ~~said~~ the school
 19 city and to make recommendations to the board concerning:

20 (1) the conduct of the schools;

21 (2) the employment and dismissal of personnel;

22 (3) the purchase of supplies;

23 (4) the construction of buildings; and

24 (5) all other matters pertaining to the conduct of the schools
 25 within the general framework of the school laws of ~~this~~ **the** state.

26 (b) ~~It shall be his duty to:~~ **The superintendent shall:**

27 (1) attend all meetings of the board, except when ~~his~~ **the**
 28 **superintendent's** appointment is under consideration; ~~to~~

29 (2) carry out the orders of the board; and ~~to~~

30 (3) make all other decisions and perform all other duties that ~~may~~
 31 ~~be are~~ prescribed by law or ~~which may that~~ reasonably fall within
 32 ~~his~~ **the superintendent's** power and jurisdiction.

33 [20-3-11-9] Sec. 11. **Every (a) Except as provided in subsections**
 34 **(b) and (c), each** payment made from ~~moneys~~ **money** of the board
 35 ~~shall~~ **must** be made ~~(a)~~ in accordance with budget appropriations. ~~or~~

36 (b) ~~(in the case of any~~ **If a payment is from any a** fund of the board
 37 that is not subject to budgeting and appropriation but has been
 38 transferred to the board for specific purposes, **the payment must be**
 39 **made:**

40 (1) in accordance with the terms ~~upon which the~~ **of the** fund being
 41 drawn upon ~~was that are~~ made available to the board; and

42 (2) after the ~~general~~ superintendent ~~shall have~~ **has** approved the
 43 proposed payment. ~~or~~

44 (c) ~~(in the case of any~~ **If a payment is from any a** fund of the board
 45 that is not subject to ~~the~~ budgeting and appropriation and is
 46 unrestricted as to **the** purposes for which it may be expended, **the**



1 **payment must be made** in accordance with the prior:

2 (1) direction of the ~~general~~ superintendent; or ~~pursuant to the~~
3 ~~prior~~

4 (2) order of the board.

5 ~~(d) Within~~ **Not later than** thirty (30) days after ~~any such a~~ payment
6 ~~shall have been under subsection (b) or (c) is~~ made from ~~any a~~ fund
7 of the board, the ~~general~~ superintendent shall report the ~~fact of such~~
8 payment to the board for approval.

9 [20-3-11-10] Sec. 12. ~~Sec. 10:~~ (a) ~~All appointments or discharges~~
10 **Each appointment or discharge** of ~~employees an employee~~ of the
11 school city ~~shall must~~ be:

12 (1) made in conformity with the rules of the board; and

13 (2) reported at the meeting of the board that follows the date of
14 each appointment or discharge by the ~~general~~ superintendent.

15 (b) The superintendent's actions ~~as reported to the board under~~
16 **this section** are subject to the approval of the majority of the board.

17 (c) ~~Any A~~ discharge ~~shall operate~~ **operates** as a suspension ~~only~~
18 until **the discharge is** approved by the board.

19 (d) A school employee of the school city, except a probationary
20 employee discharged ~~prior to before~~ the end of the employee's
21 probationary period, ~~has a right to is entitled to~~ request a hearing
22 before being discharged. Upon written request for a hearing from the
23 school employee, the superintendent shall appoint a hearing examiner.

24 (e) The hearing examiner appointed by the superintendent under
25 subsection (d) ~~shall may be any person an individual~~ on the school
26 ~~corporation's city's~~ administrative staff or ~~its the school city's~~ counsel,
27 as long as the hearing examiner:

28 (1) did not recommend the discharge of the employee;

29 (2) will not be a witness at the hearing; and

30 (3) has no involvement in the recommendation to discharge the
31 employee.

32 (f) The hearing examiner shall:

33 (1) make a written report of **the hearing examiner's** findings and
34 conclusions; and

35 (2) submit the report to the superintendent.

36 (g) An employee may appeal in writing an adverse decision of the
37 hearing examiner to the board. Upon appeal, the board shall review the
38 decision of the hearing examiner and may receive additional evidence
39 or testimony.

40 (h) The board shall adopt rules and procedures that afford an
41 employee, other than a probationary employee, the right to a hearing
42 and the right to appeal under this section.

43 (i) This section does not apply to teachers.

44 [20-3-11-11] Sec. 13. ~~Sec. 11:~~ (a) ~~No money shall~~ **Money may not**
45 be drawn from the treasury of the board except for appropriations
46 made:



- 1 (1) by the board; and ~~made~~
 2 (2) upon an aye and nay vote ~~duly~~ recorded in the board's minutes.
- 3 (b) ~~No appropriations shall~~ **An appropriation may not** be made for
 4 a period extending beyond December 31 of the current calendar year.
- 5 (c) Except as provided in ~~IC 20-3-1~~, **IC 20-25**, at the end of ~~the a~~
 6 fiscal year, all unexpended balances of all appropriations, except
 7 appropriations from tuition funds and the capital projects fund, revert
 8 to the board's general fund.
- 9 (d) General fund money that has been obligated, but not paid, at the
 10 end of ~~the a~~ fiscal year may be paid without a new appropriation.
 11 Except as provided in ~~IC 20-3-1~~, **IC 20-25**, ~~no money so~~ money
 12 obligated ~~shall~~ **under this subsection does not** revert to the board's
 13 general fund at the end of the fiscal year in which the money ~~has been~~
 14 **is** appropriated, unless the board ~~shall~~, by affirmative act ~~cause~~ **causes**
 15 the money to revert.
- 16 [20-3-11-12] Sec. 14. ~~Sec. 12:~~ (a) The books, accounts, and
 17 vouchers of the board and of all ~~of its~~ **the board's** officers and
 18 employees ~~shall be~~ **are** subject to examination by the ~~Indiana~~ state
 19 board of accounts at ~~such times as a time selected by the said~~ state
 20 board ~~may select and all of the officers and employees of accounts.~~
- 21 (b) **Each officer and employee** of the board shall, on request of
 22 ~~said~~ the state board of accounts:
- 23 (1) produce and submit to ~~said~~ the state board of accounts for
 24 examination all:
- 25 (A) books;
 26 (B) papers;
 27 (C) documents;
 28 (D) vouchers;
 29 (E) accounts; and
 30 (F) records;
- 31 of the board in **the possession of the officer or employee or**
 32 **belonging to their respective offices the office of the officer or**
 33 **employee; and shall in every way**
- 34 (2) assist ~~said in every way the~~ state board of accounts in its
 35 work in making ~~such examinations:~~ **an examination.**
- 36 [20-3-11-13] Sec. 15. ~~Sec. 13:~~ (a) All ~~moneys~~ money payable to the
 37 board ~~shall must~~ be paid to ~~its~~ **the board's** treasurer. ~~and his~~ **The**
 38 **treasurer's** receipt for the ~~same~~ **shall money must** be filed with the
 39 business manager of the board. ~~and; thereupon; the~~
- 40 (b) **The business manager, after receiving the treasurer's receipt,**
 41 **shall issue his a quietus. therefor, which The business manager's**
 42 **quietus alone shall be is** sufficient evidence of ~~such~~ payment **to the**
 43 **board. No person except**
- 44 (c) **Only** the treasurer of the board ~~shall may~~ collect or receive ~~any~~
 45 ~~moneys~~ money payable to the board. ~~and any A~~ payment made ~~except~~
 46 **to an individual other than** the treasurer and ~~any a~~ receipt given



therefor by any other person shall be an individual other than the treasurer are void as against the board.

Chapter 4. General Administrative Provisions

[20-3-11-14] Sec. 1. ~~Sec. 14.~~ A contract or an obligation is not binding ~~upon~~ on the board unless the board makes an appropriation for the contract or obligation.

[20-3-11-15] Sec. 2. ~~Sec. 15.~~ (a) ~~All contracts~~ **Each contract** involving more than seventy-five thousand dollars (\$75,000) ~~in amount~~ shall **must** be:

- (1) in writing; ~~and~~
- (2) executed in the name of the board by:
 - (A) the board's business manager; or
 - (B) ~~other~~ **another** board designated employee; and
- (3) approved by the board.

(b) ~~When~~ **If** money for a contract or purchase has been appropriated by the board, the designated employee may make contracts and purchases not exceeding seventy-five thousand dollars (\$75,000) ~~in amount~~ in any one (1) transaction. ~~All contracts~~ **Each contract** and ~~purchases~~ **purchase** under this subsection shall **must** be reported to the board at its next regular meeting.

(c) ~~No~~ A purchase of supplies or of materials of any kind shall **may not** be made from one (1) person, firm, limited liability company, or corporation at any one (1) time or in any one (1) transaction ~~to an amount~~ in ~~the~~ **an** aggregate of more than ten thousand dollars (\$10,000), ~~except upon~~ **unless** bids ~~duly~~ **for the purchase of the supplies or the materials have been** advertised for and accepted. The board shall determine the mode and manner of advertising for bids for supplies and ~~material~~ **materials**.

[20-3-11-16] Sec. 3. ~~Sec. 16.~~ Subject to the exception that is set out in the last sentence of this section, whenever (a) **This section does not apply if the board by formal vote elects to:**

- (1) build;
- (2) enlarge;
- (3) make alterations to; or
- (4) make improvements to;

a school or building owned by the board if the project described in subdivisions (1) through (4) will cost not more than fifteen thousand dollars (\$15,000) and the board intends to complete the project using its own employees.

(b) If subsection (a) does not apply and the board determines to:

- (1) build; ~~or~~
- (2) enlarge; ~~or~~
- (3) make alterations ~~in~~ to; or
- (4) **make improvements on to;**

~~any~~ a school or ~~other~~ building owned by the board, the cost of which shall ~~be~~ **is** estimated to be more than ten thousand dollars (\$10,000),



the business manager or other board designated employee shall advertise for bids ~~by~~ **in the manner provided in subsection (c).**

(c) The advertisements for bids must be placed as follows:

(1) One ~~(1) insertion advertisement must be placed~~ each week for three (3) weeks.

(2) The first ~~insertion of said advertisement being~~ **must be placed** at least twenty-one (21) days ~~next~~ before the bids are ~~to be~~ opened.

(3) The advertisement ~~shall~~ **must be inserted placed** in two (2) newspapers of general circulation in the city. ~~and~~

The board shall ~~be entered~~ enter in full in the minutes of the board that advertisements for bids have been placed under this subsection.

(d) In ~~all cases where each case in which~~ bids are taken in pursuance of ~~under~~ this section, ~~they shall~~ **a bid must be:**

(1) enclosed by the bidder in an envelope sealed by ~~him~~ **the bidder**; and ~~shall be~~

(2) presented ~~to the~~ **at a meeting of the** board or the bid committee of the board at the time and place fixed by the advertisement. ~~and the board or said committee shall meet at that time and place. No~~

A bid ~~shall~~ **may not** be received after the time ~~named~~ **established** in the advertisement. ~~and; at the hour so named; the~~

(e) The business manager ~~at the hour established in the advertisements and~~ in the presence of the board or ~~said the bid~~ committee shall open all of the bids. ~~and they shall~~ **The bids must** then be publicly read by ~~the~~ **a** designated employee and be immediately ~~thereafter~~ entered in full in the records of the board.

(f) The board shall, by general rules, specify the ~~conditions~~ **condition** of ~~all bids; but none but each bid, and only~~ the lowest and best bids from responsible bidders ~~shall~~ **may** be accepted. The board, in its discretion, may, ~~where it if the board~~ has reason to suspect collusion among bidders, reject the bids of all bidders ~~concerned~~ **involved** in ~~such the~~ collusion. Notwithstanding the foregoing provisions of this section, whenever the board shall by formal vote determine that the cost of any such building, enlargement, alteration, or improvement will not be more than fifteen thousand dollars (\$15,000) and that the board intends to do the work by the labor of its own employees, it shall be lawful for the board so to do said work without bids or advertising for bids.

[20-3-11-17] Sec. 4. ~~Sec. 17:~~ The provision of any other act notwithstanding; **(a)** Notwithstanding any other law, the board of school commissioners may designate a committee of the board, which may consist of employees or officers of the board, ~~for the purpose of opening or tabulating to open or tabulate bids at a time and place fixed by advertisement for:~~



(1) the purchase of:

(A) supplies;

(B) material;

(C) equipment; or for the purchase of

(D) land; or for

(2) the building, enlargement, or alteration of any school buildings; building; or for

(3) any other purposes; at the time and place fixed by the advertisement. At such time, said purpose.

(b) The committee of the board shall open and tabulate all bids which are each bid that is presented to it: and such the committee. The bids shall be:

(1) read and tabulated publicly; and shall be

(2) immediately thereafter entered upon in the record of the board; and

(3) reported to the board at its the board's next meeting. Provided, however, That no

(c) A bid shall be accepted or rejected by such the committee of the board under this section. but such The bid shall be accepted or rejected by the board of school commissioners in an official board meeting.

[20-3-11-18] Sec. 5. Sec. 18: Every such (a) The board of school commissioners shall have; as respects the levy of taxes by it; power may annually to levy such amount of taxes as in the judgment of said board; made matter of record in its minutes; should be levied an amount the board determines is necessary to:

(1) produce income sufficient to conduct and carry on the work committed to such of the board; and it is hereby made the duty of said board annually to levy a sum sufficient to

(2) meet all payments of principal and interest as they will on bonds, notes, or other obligations of the board that mature in the year for which such the levy is made. on the bonds; notes or other obligations of said board; and

The fund arising from any a levy made by such the board shall be known as its under this section is the board's general fund. Said The general fund may lawfully be used by said the board for any purpose within the scope of the duties of such the board as imposed by law.

(b) The board shall record the amount of the annual levy in its minutes.

[20-3-11-19] Sec. 6. Sec. 19: (a) The board of school commissioners of each such city shall have power from time to time; may periodically, as the need may arise; to arises, borrow money and issue the bonds of said school city to be known as school building bonds to supply said the school city with funds:

(1) to buy real estate; and

(2) to erect buildings for school or administrative purposes; and



(3) to enlarge, remodel and repair ~~such school~~ buildings; or
 (4) for any one (1) or more of ~~said the~~ purposes described in
 subdivisions (1) through (3). but

The proceeds of the sale of ~~such~~ bonds ~~shall under this subsection~~
 may not be used for ~~no~~ a purpose other than ~~one or more of the said~~
 above mentioned purposes: a purpose described in subdivisions (1)
 through (4).

(b) ~~It shall also have power from time to time; The board may~~
 periodically, as the occasion may arise; ~~to need arises,~~ issue the bonds
 of ~~said school city; to be known as~~ school funding bonds to take up and
 retire the principal and accrued interest of any outstanding bonds of
~~said the~~ school city. ~~then outstanding which; in the opinion of School~~
 funding bonds may be issued only if the board of school
 commissioners thereof; ~~can determines it is~~ to the advantage of ~~said~~
 the school city ~~be refunded; and no to refund the outstanding bonds~~
 of the school city. A school funding bond ~~shall may not~~ be issued ~~or~~
 and the proceeds thereof of a school funding bond may not be used
 for ~~any~~ a purpose other than to refund or take up and discharge
 outstanding bonds of ~~said the~~ school city. ~~then outstanding; and~~ Any
 pre-existing bonds for which ~~said the~~ school city is ~~by~~ liable under this
 chapter ~~made liable shall be~~ are outstanding bonds of ~~said the~~ school
 city within the meaning of this provision: under this subsection.

(c) ~~Preparatory to the issuance of any bond Before school building~~
 bonds may be issued under the authority hereby given; subsection (a),
 the board of school commissioners of ~~said school city~~ shall, by a
 resolution ~~made matter of entered into the record in its the board's~~
 corporate minutes, ~~show; in the case of "school building bonds," the~~
 demonstrate a particular need for the money and the inability of the
 school city to supply the money ~~proposed to be raised by the bonds so~~
 to be issued from any other applicable fund in its hands applicable to
 such purpose; and; in the case of "school funding bonds," under the
 control of the board. Before school funding bonds may be issued
 under subsection (b), the board shall, by a resolution entered into
 the record of the board's corporate minutes, provide a description
 of the bonds to be taken up, ~~their including the kind, date, date of~~
 maturity, and amount of the bonds.

(d) Any bonds issued under the authority of this section whether
 "school building bonds" or "school funding bonds," shall must:

- (1) be serial bonds; ~~and shall~~
- (2) bear interest at ~~any~~ a rate payable semiannually; and ~~shall~~
- (3) mature at ~~such~~ a time or times ~~as shall be fixed in said the~~
 resolution of the board. ~~No~~

(e) A bond ~~so~~ to be issued ~~shall under this section may not be~~
 delivered until the price ~~therefor shall be of the bond~~ is paid to the
 treasurer of ~~said the~~ school city, in:

- (1) money ~~in case of for~~ school building bonds; or ~~in~~



(2) money or bonds to be refunded ~~in case of~~ **for** school funding bonds. ~~and no interest shall~~
A bond issued under this section may not accrue interest on any such bond before its delivery. Such bonds shall

(f) Each bond issued under this section must be payable to bearer and ~~shall~~ be of the general form usual in municipal bonds. ~~Preparatory to the offering of any~~

(g) Before offering bonds authorized by this section for sale, the board of school commissioners shall give three (3) weeks notice of the date fixed for the sale of ~~such the~~ bonds. ~~with The notice must include~~ a description ~~thereof of the bonds and inviting~~ **invite** bids ~~therefor, such for the bonds. The~~ notice shall be given by ~~advertising by~~ three (3) ~~insertions, advertisements,~~ one (1) time each week for ~~the three~~ (3) consecutive weeks ~~next before immediately preceding~~ the day of sale in ~~one (1) a newspaper of general circulation published in and circulating with a general circulation in the city of Indianapolis, Indiana; and by such Notice may also be required in other advertisements as the board may order made. if ordered by the board.~~

(h) The board shall sell the bonds to the highest and best bidder and ~~shall reserve~~ **has** the right to reject any ~~or all bids. bid.~~ The proceeds arising from ~~such the~~ sale shall be used **only** for ~~no the~~ purpose ~~other than the purpose~~ declared in the resolution of the board. ~~nor for a purpose not mentioned in this section.~~

[20-3-11-20] Sec. 7. ~~Sec. 20: Each such~~ **(a) The** board of school commissioners may from time to time; ~~whenever its~~ **periodically, if the board's** general fund ~~shall be~~ **is** exhausted or in the board's judgment ~~be is~~ in danger of exhaustion, make temporary loans for the use of ~~its the board's~~ general fund to be paid out of the proceeds of taxes ~~theretofore~~ levied by ~~such the~~ school city for ~~its the board's~~ general fund. The amount ~~so~~ borrowed ~~in aid of said for the~~ general fund ~~shall must~~ be paid into ~~said the board's~~ general fund and may be used for any purpose for which the ~~said board's~~ general fund lawfully may be used. ~~Any such A~~ temporary loan ~~shall must:~~

(1) be evidenced by the promissory note or notes of ~~said the~~ school city; ~~shall~~

(2) bear interest **that is payable, according to the note or notes, periodically or at the maturity of the note or notes** and at not more than seven percent (7%) per annum; ~~interest payable at the maturity of the note or periodically; as the note may express; and shall~~

(3) mature at ~~such a~~ time or times **as determined** by the board, of school commissioners; ~~may decide;~~ but not later than one (1) year ~~from after~~ the date of the note **or notes. No such**

A loan or loans made in ~~any one (1) a~~ calendar year ~~shall may not~~ be for a sum greater than the amount estimated by ~~said the~~ board as ~~the~~ proceeds to be received by **it the board** from the levy of taxes



therefore made by said the school city in behalf of its said for the board's general fund. Successive loans may be made in to aid of said the general fund in any a calendar year, but the aggregate total amount thereof, of successive loans outstanding at any one (1) time shall may not exceed such the estimated proceeds of taxes levied in behalf of the said for the board's general fund. No such

(b) A loan shall be under this section shall not be made until notice asking for bids therefor shall have been is given by newspaper publication. which publication shall Notice must be made one (1) time in a newspaper published in said the school city and said publication shall be at least seven (7) days before the time when the bids for such the loans will be opened. Bidders A bidder shall name the amount of interest they agree the bidder agrees to accept, not exceeding seven percent (7%) per annum. and The loan shall be made to the bidder or bidders bidding the lowest rate of interest. The note, or notes, or warrants shall not be delivered until the full price of the face thereof shall be of the loan is paid to the treasurer of said the school city, and no interest shall accrue thereon before such does not accrue on the loan until delivery.

[20-3-11-20] Sec. 8. Any such (a) A school corporation city wishing to make a temporary loan in aid of for its general fund finding that it has need to exercise the power in this under this section above given to make a temporary loan; which may temporarily borrow money, without payment of interest, from the school city's treasury if the school city has in its treasury money derived from the sale of bonds which money derived from the sale of bonds that cannot or will not in the due course of the business of said the school city be expended in the then near future. may, if it so elects, temporarily borrow, and without payment of interest, from such bond fund, for the use and aid of said general fund in the manner and to the extent hereinafter expressed; viz.: Such A school city shall, by its board, of school commissioners, take all the following steps required by law to effect such obtain a temporary loan up to the point of advertising for bids or offers for such loans; it shall then present under this section:

(1) Present to the department of local government finance of the state of Indiana; and to the state board of accounts: of the state of Indiana;

(A) a copy of the corporate action of said the school city concerning its the school city's desire to make such a temporary loan; and

(B) a petition showing the particular need for such a temporary loan; and

(C) the amount and the date or dates when said the general fund will need such the temporary loan or the instalments installments of such the loan; and

(D) the date at on which such the loan and each instalment



1 ~~thereof; installment of the loan~~ will be needed; ~~and~~
2 (E) the estimated amounts from taxes to come into ~~said the~~
3 general fund; ~~and~~
4 (F) the dates when it is expected ~~such the~~ proceeds of taxes
5 will be received by ~~such the~~ school city ~~in behalf of said for~~
6 the general fund; ~~and showing what~~
7 (G) the amount of money ~~said the~~ school city has in ~~any each~~
8 fund derived from the proceeds of the sale of bonds ~~which that~~
9 cannot or will not be expended in the ~~then~~ near future; and
10 (H) a showing of when, ~~and~~ to what extent, and why money in
11 ~~such the~~ bond fund ~~not soon to be expended;~~ will not be
12 expended in the ~~then~~ near future. ~~and requesting that~~
13 (2) Request the department of local government finance and ~~said~~
14 the state board of accounts ~~respectively;~~ to authorize a temporary
15 loan from ~~said the~~ bond fund ~~in aid of said for the~~ general fund.
16 (b) If:
17 (1) the department of local government finance ~~shall find finds~~
18 and ~~order orders~~ that there is need for ~~such a~~ temporary loan and
19 that it should be made; ~~and said~~
20 (2) the state board of accounts ~~shall find finds~~ that the money
21 proposed to be borrowed will not be needed during the period of
22 the temporary loan by the fund from which it is to be borrowed;
23 and
24 (3) the state board of accounts and the department of local
25 government finance ~~shall~~ approve the loan;
26 the business manager and treasurer of ~~said the~~ school city shall, upon
27 ~~such the~~ approval ~~by of~~ the state board of accounts and the department
28 of local government finance, take all steps necessary to transfer the
29 amount of ~~such the~~ loans as a temporary loan from the fund to be
30 borrowed from to ~~said the~~ general fund of ~~such the~~ school city. The
31 loan ~~so effected shall;~~ for all purposes, ~~be is~~ a debt of the school city
32 chargeable against its constitutional debt limit.
33 (c) The state board of accounts and the department of local
34 government finance:
35 (1) may fix the ~~aggregate total~~ amount ~~so to that may be~~
36 borrowed on ~~any one (1)~~ a petition; and
37 (2) shall determine:
38 (A) at what time or times; ~~and~~
39 (B) in what ~~instalments;~~ installments; and
40 (C) for what periods; ~~it shall~~
41 the money may be borrowed.
42 The treasurer and business manager of ~~such the~~ school city, ~~from time~~
43 to time, periodically, as money ~~shall be is~~ collected from taxes levied
44 in behalf of ~~said the~~ general fund, shall credit the ~~same on such~~
45 amount of money collected from taxes levied to the loan until the
46 amount borrowed is fully repaid to the lending fund. ~~and they The~~



1 **treasurer and business manager of the school city** shall at the end of
 2 each calendar month report to the board the ~~several~~ amounts ~~so~~ applied
 3 from taxes to the payment of ~~such~~ the loan.

4 (d) The school city shall, as often as once a month, report to both the
 5 state board of accounts and the department of local government
 6 finance:

7 (1) the amount of money ~~then so~~ borrowed and unpaid; ~~the~~

8 (2) **any** anticipated ~~like~~ **similar** borrowings ~~of for~~ the current
 9 month;

10 (3) the amount left in the ~~said~~ general fund; and

11 (4) the anticipated drafts ~~upon~~ **on** the lending bond fund
 12 **[QUERY: IS THIS DIFFERENT FROM THE "BOND**
 13 **FUND"?]** for the ~~objects~~ **purposes** for which ~~that the~~ fund was
 14 created.

15 (e) The state board of accounts and the department of local
 16 government finance, or either ~~of them~~ **acting independently: may,**

17 (1) if it ~~shall seem to the board and department, or to either of~~
 18 ~~them,~~ **appears** that the fund from which the loan was made
 19 requires the repayment of all or ~~of~~ part of ~~such loan(s)~~ **the loan or**
 20 **loans** before its maturity; or ~~said~~

21 (2) **if the** general fund no longer requires all or some part of the
 22 proceeds of ~~such the~~ loan;

23 **may** require ~~such the~~ school city to repay all or ~~any~~ part of ~~such the~~
 24 loan. ~~and; if necessary to perform the requirement; such~~ A school city
 25 shall, **if necessary to repay all or part of a loan under this**
 26 **subsection,** exercise its power ~~of making to obtain~~ a temporary loan
 27 ~~procured~~ from others **under section 7 of this chapter** to raise the
 28 money ~~so~~ needed to repay the lending bond **[QUERY: IS THIS**
 29 **DIFFERENT FROM THE "BOND FUND"?]** fund the amount ~~so~~
 30 ordered repaid.

31 [20-3-11-21] Sec. 9. ~~Sec. 21.~~ Each school city shall provide for the
 32 payment and retirement of debt obligations of the school city in the
 33 manner provided under ~~IC 20-5-4-5[??], IC 21-2-21-[??],~~
 34 ~~IC 20-5-4-10[??], IC 21-2-21-[??],~~ and IC 21-2-4.

35 [20-3-11-22] Sec. 10. ~~Sec. 22.~~ (a) The board ~~of school~~
 36 ~~commissioners~~ may not create ~~any~~ debt in excess of twenty-five
 37 thousand dollars (\$25,000) in the aggregate, except:

38 (1) as otherwise provided in this chapter; ~~and except further or~~

39 (2) **for debts as are that exist** on or after March 9, 1931, **that are**
 40 authorized by the general school laws of Indiana, including ~~within~~
 41 ~~the latter exception; but not by way of limitation; debt incurred~~
 42 **under IC 21-4-20, and IC 20-5-1 through IC 20-5-6: IC 20-26-1,**
 43 **IC 20-26-2, IC 20-26-3, IC 20-26-4, IC 20-26-5[??],**
 44 **IC 20-26-6[??], and IC 20-26-7[??].**

45 (b) Notwithstanding ~~the provisions of~~ subsection (a), the board is
 46 liable ~~upon its~~ **for the board's** lawful contracts with persons rendering



services and furnishing materials incident to the ordinary current operations of ~~its the board's~~ schools if the contracts have been entered into as provided in this chapter and in accordance with law. The obligations of the board to persons rendering services or furnishing materials ~~may not be considered to be~~ **is not** limited or prohibited by ~~any of the provisions of~~ this chapter.

(c) If the compensation to be paid for the purchase of ~~any~~ real estate or ~~an~~ interest in real estate required by the board for ~~its the board's~~ purposes cannot be agreed upon or determined by the:

(1) board; and ~~the~~

(2) persons owning or having an interest in the land desired; ~~for its purposes or sites;~~

the board ~~of school commissioners~~ **has the power of may, by** eminent domain, ~~and shall proceed to have determine~~ the compensation ~~determined~~ and ~~to~~ acquire the title to the real estate or interest in the real estate by ~~action in court~~ **action** under IC 32-24.

(d) The right and power of the board to own and acquire real estate and interests in real estate in any ~~of the manners~~ **manner** and for any ~~of the purposes~~ **purpose** specified in this chapter or by the general school laws of ~~this state may~~ **Indiana is** not ~~be~~ limited to real estate situated within the corporate boundaries of the civil city in which ~~any~~ **a** school city is located. However, the right and power to acquire and own real estate extends to any parcel or trace of real estate the whole of which is situated:

(1) within one-half (1/2) mile of the nearest point on the corporate boundary of the civil city; ~~or~~

(2) within ~~or within one-half (1/2) mile of the nearest point on the boundary of;~~ **any a** platted territory: ~~lying~~

(A) outside but contiguous to; or

(B) contiguous to another platted territory that is contiguous to;

the corporate boundary of the civil city; ~~(d) or~~

(3) **within one-half (1/2) mile of the nearest point of the boundary of a platted territory:**

(A) **outside but contiguous to; or**

(B) **contiguous to another platted territory that is contiguous to;**

the corporate boundary of the civil city.

"Platted territory", as used in ~~this~~ subsection, ~~(c);~~ means ~~any a~~ territory or land area ~~of for~~ which a plat has been recorded in the manner provided by ~~the laws of~~ **Indiana statutes** pertaining to the recording of plats of land.

~~(e)~~ (e) Before acquiring any real estate or interest in real estate outside the corporate limits of the civil city, the board must, by resolution ~~made a matter of~~ **entered into the** record ~~in its of the~~ **board's** corporate minutes, find and determine that, in the judgment of



the board, the real estate or interest in real estate to be acquired will be needed for the future purposes of the board. This chapter does not limit the right of any board to accept, own, and hold real estate or ~~an~~ interest in real estate, wherever situated, that is acquired by the board by gift or devise.

[20-3-11-24] Sec. 11. ~~Sec. 24:~~ (a) The board of school commissioners has ~~all~~ the powers and duties conferred upon ~~such boards governing bodies~~ by existing statutes and by the general school laws, ~~of this state, including IC 20-5-1 through IC 20-5-6, so far as they~~ **IC 20-26-1, IC 20-26-2, IC 20-26-3, IC 20-26-4, IC 20-26-5[?], IC 20-26-6[?], and IC 20-26-7, to the extent the powers and duties** are consistent with this chapter.

[20-3-11-24] Sec. 12. ~~(b)~~ (a) The board of school commissioners ~~has the power to:~~ **may:**

- (1) except as provided in subsection ~~(d)~~; (b), acquire by purchase, devise, gift, lease, or condemnation grounds needed by the school city;
- (2) construct or lease buildings for school, school administration, or school office purposes;
- (3) employ and pay all employees needed in any branch of the work committed to the board; ~~of school commissioners;~~
- (4) disburse, according to law, all money of the school city for ~~all~~ lawful school city purposes;
- (5) have and exercise in the school city full and exclusive:
 - (A) authority concerning the conduct and management of all common schools, including ~~grade elementary schools~~ and high schools; and
 - (B) power to establish and enforce all regulations for the:
 - (i) grading of; and
 - (ii) courses of;
- (6) divide the city into districts for school attendance purposes;
- (7) maintain special day or night schools to which ~~it the board~~ may admit adults and children ~~over fourteen (14)~~ **at least fifteen (15)** years of age; and
- (8) maintain playgrounds and vacation schools.

[20-3-11-24] ~~(d)~~ (b) The board of school commissioners may not acquire ~~by any means~~ the following real property:

Lots 693-719, inclusive, and 7 1/2 feet west of and adjacent to such lots, in Norcliffe Addition, an addition to the city of Indianapolis, as per plat thereof, recorded in plat book 18 at pages 165 and 166, in the office of the recorder of Marion County, Indiana.

[20-3-11-24] Sec. 13. ~~(c)~~ The expense of operating special schools under ~~subdivision (b)(7)~~ **section 12(a)(7) of this chapter** and



playgrounds and vacation schools under ~~subdivision (b)(8)~~ shall **section 12(a)(8) of this chapter must** be paid out of the board's general fund. The board may make and impose ~~such fees as it deems~~ **that the board considers** reasonable for:

(1) enrollment of any high school graduate in any ~~of the classes~~ **class** offered in ~~any a special schools; school; and~~

(2) enrollment by any person ~~over sixteen (16) at least seventeen~~ **(17)** years of age in any special school class that does not provide credit toward graduation or progression in the regularly maintained common schools in the school city.

The receipts from ~~any such fees~~ **under this section** become a part of the board's general fund.

[20-3-11-25] Sec. 14. ~~Sec. 25:~~ **(a)** A school city ~~to which this chapter applies shall have full power to:~~ **may:**

(1) sell real estate; ~~and to~~

(2) transfer personal property; ~~and to~~

(3) execute deeds of conveyance and instruments of transfer ~~thereof,~~ with or without covenants of warranty; ~~whenever,~~

if, in the opinion of such school city the board, properly made matter of record on the minutes of its board of school commissioners; such the real estate or personal property cannot ~~longer~~ be advantageously used for school or library purposes and can be sold for its fair cash value.

(b) A determination by the board that real estate or personal property cannot be advantageously used under subsection (a) must be entered into the record of the minutes of the school city's board.

[20-3-11-26] Sec. 15. ~~Sec. 26:~~ **(a)** The ~~said board of school commissioners shall have power, may,~~ subject to ~~its the board's~~ rules, to authorize ~~any a~~ member of the board or ~~any an~~ officer or ~~person in its employ~~ **individual employed by the board** to be absent from ~~such the school city in the interest of said the school city without loss of compensation. and shall also have~~

(b) The board power to may refund to the person so absent his an individual described in subsection (a) necessary expenses while he shall have been so absent: incurred during the individual's absence. The amount ~~so to be refunded shall,~~ after being allowed by the board; **under this subsection must** be paid from the board's general fund.

[20-3-11-27] Sec. 16. ~~Sec. 27:~~ **(a)** ~~In a school city to which this chapter applies it shall be lawful for The board of school commissioners to may~~ establish and conduct **a system of industrial or manual training and education** in connection with and as part of ~~its the board's common school system. a system of industrial or manual training and education; in which system may be taught~~

(b) Industrial or manual training or education may include:

(1) the principal use of tools and ~~of~~ mechanical implements; **and**

(2) the elementary principles of mechanical construction, mechanical drawing, and printing. ~~Such system having been so~~



1 ~~established, such~~

2 ~~The board of school commissioners shall employ competent instructors~~
3 ~~in each of the various subjects. to be taught.~~

4 (c) The board shall establish ~~such general~~ rules and regulations for
5 the admission of ~~pupils students~~ to ~~such the system wherein such~~
6 industrial and manual training education ~~shall be taught. Said system.~~
7 ~~The~~ rules and regulations ~~shall be such as, must,~~ in the judgment of the
8 board, ~~will~~ produce the best results and ~~as will give instructions~~
9 **provide instruction** to the largest practicable number of ~~pupils.~~
10 **students.** The instruction in industrial and manual training education
11 may be given in space provided in school buildings or in separate
12 buildings ~~as, if,~~ in the judgment of the board, ~~may be it is~~ most
13 advantageous.

14 [20-3-11-28] Sec. 17. ~~Sec. 28: (a) Each such If a school city~~
15 **acquires title to or possession of** ~~board of school commissioners,~~
16 ~~whenever its school city shall have acquired title to or possession, by~~
17 ~~gift or donation, of any~~ real estate, buildings, and personal property in
18 ~~such the school city which by gift or donation, and the real estate,~~
19 **building, or personal** property ~~had been was used for as~~ an industrial
20 or trade school for the education of youths in the trades of:

- 21 (1) printing;
- 22 (2) ~~lithographing, lithography;~~
- 23 (3) machine making;
- 24 (4) ~~moulding, molding;~~
- 25 (5) typesetting;
- 26 (6) bricklaying;
- 27 (7) tile setting;
- 28 (8) pattern making; ~~and~~
- 29 (9) pharmacy; or
- 30 (10) other trades or occupations;

31 **the board** may, by the use of ~~its the board's~~ school funds, maintain
32 and operate ~~such the~~ industrial or trade school or schools. ~~and~~
33 ~~departments thereof, for teaching the trades above mentioned, and~~
34 ~~other trades, and said~~

35 (b) **If real estate, a building, or personal property is acquired by**
36 **the school city under subsection (a), the board shall:**

- 37 (1) perform any conditions incident to the school city's acquisition
38 of the property; ~~The said school board shall~~
- 39 (2) maintain and operate ~~such the~~ trade school and ~~such real~~
40 **estate, building, or personal** property; ~~and shall~~
- 41 (3) employ competent instructors in the various subjects to be
42 taught;
- 43 (4) purchase all necessary tools, implements, supplies, and
44 apparatus; and
- 45 (5) establish general rules and requirements for:
- 46 (A) admission of pupils to ~~such the~~ school or schools; ~~and for~~



1 (B) the courses of instruction; ~~in them and for~~
 2 (C) the conduct of ~~such the~~ trade or industrial schools; ~~as~~
 3 **that**, in the board's judgment, will produce the best results and
 4 give instruction to the largest practicable number of ~~pupils-~~
 5 **students. and said**

6 **The** school city may also use the **real estate, building, or personal**
 7 property ~~so~~ acquired **under subsection (a)** for other school purposes,
 8 but ~~in no way not for any purpose~~ that will materially interfere with
 9 the conduct of ~~the~~ trade or industrial schools. ~~therein.~~

10 (c) The transfer tuition charge for each ~~child~~ **student who:**

11 (1) **is** transferred to ~~said the~~ school city from another ~~common~~
 12 school corporation of this state; **in Indiana; and who shall take**
 13 **any**

14 (2) **receives** trade or industrial instruction in ~~any such a~~ trade or
 15 industrial school located on property ~~so~~ acquired by ~~the said~~
 16 school city; **shall under subsection (a);**

17 **must** be the actual per capita cost of operating the school ~~he the~~
 18 student attends. ~~but~~ **However, the costs of permanent improvements**
 19 **or additions, the salaries of the superintendents, or the costs of**
 20 **apparatus or repairing broken or damaged apparatus, may not be**
 21 **used** in computing ~~such the actual per capita~~ cost. ~~nothing shall be~~
 22 included on account of permanent improvements or additions or for the
 23 salaries of superintendents or for the cost of apparatus or for the
 24 breakage thereof.

25 (d) If ~~said the~~ school city ~~shall admit to such trade school and its~~
 26 privileges ~~any child admits a student to a trade school acquired by~~
 27 **means described in this section and the student is not, by law,**
 28 entitled to ~~common~~ school privileges, the tuition charge for ~~such child~~
 29 **the student shall may not be greater than the per capita cost of**
 30 operating the school ~~he the student~~ attends. ~~but in~~ **The cost of**
 31 **permanent improvements and additions may not be included in**
 32 computing ~~such the cost under this subsection. nothing shall be~~
 33 included on account of permanent improvements and additions. ~~Such~~

34 (e) A school city may admit to ~~its the school city's~~ vocational, trade,
 35 or industrial schools nonresidents of ~~the state of~~ Indiana. ~~on the~~
 36 **payment of A nonresident student must pay** reasonable laboratory
 37 and shop fees and a tuition fee of not more than the **per student** cost
 38 to ~~said the school corporation, per pupil, of city~~ conducting ~~such the~~
 39 vocational, trade, or industrial schools. ~~but A return on capital~~
 40 **invested in buildings, grounds, or equipment may not be included**
 41 in computing ~~such the per student cost nothing shall be included as a~~
 42 **return on capital invested in buildings, grounds or equipment. under**
 43 **this subsection.**

44 [20-3-11-29] Sec. 18. ~~Sec. 29: Any such (a)~~ A school city may
 45 accept property in trust to be used for common school or vocational,
 46 trade, or industrial school purposes. ~~and, as trustee, The school city,~~



whether made ~~such~~ trustee by appointment of a court or by the founder of the trust, may ~~perform such~~ **carry out the terms of the** trust in conducting common schools or vocational, trade, or industrial schools.

(b) If ~~any such a~~ school city ~~shall~~ by:

(1) resolution of; or

(2) other formal corporate action of; its

~~the board of school commissioners; accept~~ **accepts** real estate or other property in trust ~~as above stated; under subsection (a),~~ the school city shall perform all requirements made conditions of the trust performable by the trustee.

[20-3-11-30] Sec. 19. ~~Sec. 30: Whenever, in the judgment of the (a) If the board of school commissioners determines~~ it will ~~tend to~~ promote the health of school children and ~~thereby~~ advance the educational work of the schools, ~~such the~~ board may provide for the serving of lunches to the ~~pupils~~ **students** attending designated schools. ~~of the board: and; for such purpose;~~

(b) ~~The board~~ may:

(1) establish kitchens and lunch rooms; ~~and~~

(2) provide equipment ~~suitable therefor and suitable for~~ **kitchens and lunch rooms;**

(3) make ~~all~~ other necessary provision for ~~the~~ furnishing and serving of lunches; and ~~may also~~

(4) employ a director ~~of such work~~ and ~~such~~ other **necessary** assistants or employees; ~~as may be necessary.~~

to provide lunches under subsection (a).

(c) The ~~expense of carrying out the above-mentioned powers shall be board shall pay the expenses arising under subsection (b) borne~~ by ~~the board and paid out of its the board's~~ general fund. The expense of operating ~~such a~~ lunch department shall, so far as practicable, be paid from charges paid by the ~~pupils~~ **students** for the lunches. ~~they take, but the~~ **However, the** board ~~shall have power may, in its the board's~~ discretion, ~~to~~ furnish lunches without cost to ~~any pupil a student~~ who is needy and unable to pay for ~~his the student's~~ lunch.

[20-3-11-32] Sec. 20. ~~Sec. 32: The general school laws of this state Indiana and all laws and parts of laws applicable to the general system of common schools in school cities, so far as not inconsistent with the provisions of this chapter and IC 20-3-1; IC 20-25, and unless made inapplicable by IC 20-3-1; IC 20-25 shall be are~~ in full force and effect in a school city to which this chapter applies.

[20-3-11-33] Sec. 21. ~~Sec. 33: The provisions of this This chapter shall apply applies to the school city insofar as such provisions are to the extent the chapter is not in conflict with: the provisions of~~

(1) ~~IC 20-4-1; IC 20-23-4 and IC 20-23-16; and~~

(2) the school reorganization plan applicable to ~~such the~~ school city or **the school city's** successor corporation under the terms of ~~IC 20-4-1; IC 20-23-4 and IC 20-23-16. Provided; however; that~~



1 **However, the provisions of section 3.1[??] of this chapter shall prevail**
 2 **IC 20-25-3-4 prevails** over any conflicting provision of ~~IC 20-4-1~~
 3 **IC 20-23-4 and IC 20-16-23** and over the provisions of any ~~such~~
 4 school reorganization plan.

5 **Chapter 5. Real Property Annexations and Transfers;**
 6 **Remonstrances**

7 [20-3-14-1] ~~Sec. 1. As used in this chapter, the following terms shall~~
 8 ~~have the following meanings:~~

9 [20-3-14-1] Sec. 1. ~~(f)~~ **As used in this chapter, "acquiring school**
 10 **corporation" shall be means** the school corporation ~~which that~~
 11 **acquires territory as a result of annexation.**

12 [20-3-14-1] Sec. 2. ~~(d)~~ **As used in this chapter, "annex",**
 13 **"annexing", "annexation", and "school annexation" shall refer to any**
 14 **mean an action whereby in which** the boundaries of ~~any~~ a school
 15 corporation are changed so that additional territory, constituting all or
 16 a part of ~~any~~ one **(1)** or more other school corporations, is transferred
 17 to it: **the acquiring school corporation.**

18 [20-3-14-1] Sec. 3. ~~(h)~~ **As used in this chapter, "annexed territory"**
 19 **shall be means** the territory acquired by an acquiring school
 20 corporation as a result of annexation from a losing school corporation.

21 [20-3-14-1] Sec. 4. ~~(e)~~ **As used in this chapter, "civil annexation"**
 22 **shall refer to any means an action whereby in which** the civil
 23 boundaries of ~~any~~ a civil city are extended.

24 [20-3-14-1] Sec. 5. ~~(c)~~ **As used in this chapter, "civil city" shall**
 25 **refer to any means a civil city or a civil town, the area of which, or the**
 26 **major portion part** of the area of which, is under the jurisdiction of a
 27 school city.

28 [20-3-14-1] Sec. 6. ~~(g)~~ **As used in this chapter, "losing school**
 29 **corporation" shall be any means a school corporation which that** loses
 30 territory to an acquiring school corporation by annexation.

31 [20-3-14-1] Sec. 7. ~~(i)~~ **As used in this chapter, "resolution" of:**

32 **(1) a school township shall refer to means** a resolution adopted by
 33 the trustee and a majority of the township board; and ~~of~~

34 **(2) any other school corporation shall refer to means** a resolution
 35 duly adopted by ~~its~~ **the school corporation's** governing body.

36 [20-3-14-1] Sec. 8. ~~(b)~~ **As used in this chapter, "school city" shall**
 37 **refer to any means a school corporation which that** at any time:

38 **(1) is a school city; or**

39 **(2) is a school town; or**

40 **(3) has succeeded to the jurisdiction of all a school city or a**
 41 **school town; or the**

42 **(4) has succeeded to the jurisdiction of a major part in area of**
 43 **a school city or school town.**

44 [20-3-14-1] Sec. 9. ~~(a)~~ **As used in this chapter, "school**
 45 **corporation" shall be any means a public school corporation of the**
 46 **state located in whole or in part in a county containing a consolidated**



1 city.

2 [20-3-14-2] Sec. 10. ~~Sec. 2:~~ Subject to the limitations and procedure
3 set out in this chapter, any:

4 (1) school corporation may annex territory from any other school
5 corporation by resolutions of the acquiring and losing school
6 corporations as provided in section ~~3~~ **11** of this chapter; and ~~any~~

7 (2) school city may annex territory from any other school
8 corporation by ~~its~~ a single resolution **of the school city** as
9 provided in section ~~4~~ **12** of this chapter.

10 [20-3-14-3] Sec. 11. ~~Sec. 3:~~ (a) An annexation may be effected by
11 ~~any school corporation as follows:~~ (a) ~~Both the if an acquiring school~~
12 **corporation and the a losing school corporations shall corporation**
13 ~~each adopt adopts~~ a substantially identical annexation resolution ~~This~~
14 ~~resolution shall contain that contains~~ the following items:

15 (1) A description of the annexed territory. ~~Such~~ **The** description
16 ~~shall must,~~ as near as reasonably possible, be by streets and other
17 boundaries known by common names. ~~and The description does~~
18 **not need not be in addition by to include a** legal description
19 unless ~~such additional a legal~~ description is necessary to identify
20 the annexed territory. ~~No~~ A notice ~~shall be is not~~ defective if
21 there is a good faith compliance with this section and if the area
22 designated may be ascertained with reasonable certainty by
23 ~~persons a person~~ skilled in the area of real estate description.

24 (2) The time the annexation takes place. ~~This~~ **The time the**
25 **annexation takes place** may vary with respect to the different
26 parts of the annexed territory. ~~and~~ If the entire annexed territory
27 is contiguous to the acquiring **school** corporation, ~~the parts of the~~
28 annexed territory may be annexed so that some parts may not be
29 contiguous to the annexed territory for temporary periods.

30 (3) ~~Any~~ **The** terms and conditions facilitating education of ~~pupils~~
31 **students** in the annexed territory, ~~in the~~ losing school corporation,
32 or ~~in the~~ acquiring school corporation. ~~Such~~ **The** terms may
33 ~~provide for; include,~~ but ~~shall are~~ not be limited to, the continued
34 attendance by ~~children~~ **students** in the annexed territory at
35 schools in the losing school corporation for specified periods ~~of~~
36 **time** after annexation on a transfer basis. ~~In such instances~~ **If a**
37 **student in an annexed territory attends a school in a losing**
38 **school corporation under this subdivision,** transfer tuition for
39 ~~such children shall the student must~~ be paid by the acquiring
40 school corporation to the losing school corporation in the manner
41 and at the rates provided by the statutes ~~of the state of Indiana~~
42 governing the computation and payment of transfer tuition costs.
43 **[QUERY - ADD CROSS CITE TO TRANSFER TUITION**
44 **CHAPTER?]**

45 (4) ~~Disposition~~ **The:**

46 (A) **disposition** of assets and liabilities of the losing school



corporation to the acquiring school corporation;

(B) allocation between the acquiring **school corporation** and losing school ~~corporations~~ **corporation** of subsequently collected school taxes levied on property in the annexed territory; and ~~the~~

(C) amount, if any, to be paid by the acquiring school corporation to the losing school corporation on account of property received from the ~~latter~~ **losing school corporation**.
Such

The disposition, allocation, and amount shall must be equitable.

(b) After the adoption of ~~such resolution~~ **the resolutions under subsection (a)**, notice shall be given by publication in both the acquiring **school corporation** and the losing school ~~corporations~~ **setting out corporation**. **The notice must include** the text of the resolution, ~~together with~~ a statement that ~~such the~~ resolution ~~had~~ **has** been adopted, and **a statement** that a right of remonstrance exists as provided in this chapter. It ~~shall is~~ not ~~be~~ necessary to set out the remonstrance provisions of this chapter **in the notice**. ~~but~~ A general reference to a right of remonstrance with a reference to this chapter ~~shall be~~ **is sufficient to satisfy the requirements of this subsection**. The annexation ~~shall must~~ take effect ~~within not later than~~ thirty (30) days after ~~such the~~ publication of the notice or at the time provided in the resolution, whichever is later. ~~unless within such period~~ **However, the annexation is not required to take effect within the period required by this subsection if** a remonstrance, based on a ground other than that set out in section ~~6(a)(5)~~ **14(a)(5)** of this chapter, is filed in the circuit or superior court of the county ~~where in which~~ the annexed territory or any part ~~thereof of the annexed territory~~ is located. **The remonstrance must be filed** by registered voters residing in the losing school corporation at least equal in number to the greater of: ~~the following~~:

(1) ten percent (10%) of the number of registered voters residing in the losing school corporation; or

(2) fifty-one percent (51%) of the number of registered voters residing in the annexed territory.

[20-3-14-4] Sec. 12. ~~Sec. 4:~~ **(a) In addition to the method of annexation set forth in section 19 of this chapter, a school city may effect an annexation may also be effected by any school city as follows:**

~~(a)~~ **(1)** The acquiring school corporation shall adopt an annexation resolution of the type provided in section ~~3~~ **11** of this chapter. Unless the losing corporation ~~shall consent~~, **such consents, the resolution shall may** not provide a time for annexation ~~prior to the~~ **before** July 1 ~~succeeding~~ **following** the May 1 next succeeding the last publication of the notice of annexation.

~~(b)~~ **(2)** ~~After the adoption of such resolution,~~ The acquiring school corporation, **after adopting a resolution under subdivision (1),**



shall give notice of the type provided in section ~~3~~ **11** of this chapter by publication in the acquiring school corporation and in the losing school corporation. ~~It~~ **The acquiring school corporation** shall also give notice to the losing school corporation ~~prior to before~~ the last publication of notice ~~therein~~ **of the type provided in section 11 of this chapter.** The annexation ~~shall~~ **must** take effect thirty (30) days after the last ~~such~~ publication in the losing school corporation or at the time provided in ~~such~~ **the** resolution, whichever is later. ~~unless within~~ **such a period of** ~~However, the annexation is not required to take effect within the period required by this subdivision if a remonstrance, based on a ground other than that set out in section 6(a)(5) 14(a)(5) of this chapter, is filed in the circuit or superior court of the county where in which the annexed territory or a part thereof of the annexed territory is located. The remonstrance must be filed by:~~

(A) the losing school corporation; ~~by~~

(B) not less than a majority of the owners of land in the annexed territory; ~~or by~~

(C) the owners of seventy-five percent (75%) or more in assessed valuation of the real estate in the annexed territory.

~~(c)~~ **(b)** For purposes of determining ~~such~~ ownership **under subsection (a)(2)(B) and (a)(2)(C),** the following rules ~~shall~~ apply:

(1) Only the record title holder or holders of ~~any a~~ single piece of property ~~shall be~~ **are considered** an owner.

(2) ~~Where~~ **If** record title of ~~any a~~ single piece of property is in more than one **(1) person; all of them together shall individual, all the individuals** constitute only one (1) owner, and the remonstrance of any one (1) ~~of them shall constitute of the individuals constitutes~~ the remonstrance of ~~all, all the individuals, whether or not the other individuals authorized by the others: the filing of the remonstrance.~~

[20-3-14-5] Sec. 13. ~~Sec. 5:~~ (a) The notice by publication required by sections ~~3~~ **11** and ~~4~~ **12** of this chapter shall be made two (2) times a week apart in two (2) daily newspapers of general circulation **in the acquiring school corporation and the losing school corporation. The two (2) daily newspapers must be published in the English language. and of general circulation in the acquiring school corporation and in the losing school corporation. Where If** there is only one (1) **daily newspaper or if there are no such daily newspaper daily newspapers** in either ~~such~~ school corporation, a weekly newspaper or newspapers may be used **to provide notice. Where If** there is only one (1) ~~such~~ daily ~~and/or or~~ weekly newspaper, publication in ~~such paper shall be that newspaper is sufficient. Where any If~~ a newspaper is of general circulation in both **school** corporations, ~~any the~~ publication of **notice** in ~~such the~~ newspaper ~~shall qualify qualifies~~ as one (1) of the



required publications in each of the school corporations. Publication may be made jointly by the losing **school corporation** and the acquiring school ~~corporations~~ **corporation**. The remonstrance period ~~shall run~~ **runs** from the second ~~such~~ publication.

(b) ~~Where~~ **If** notice is **required** to be given by an acquiring **school corporation** to a losing school corporation, it may be made either by registered or certified United States mail, return receipt requested, addressed to the:

(1) governing ~~board~~ **body** of the losing school corporation at ~~its~~ **the governing body's** established business office; ~~or addressed to the~~

(2) township trustee in the case of a school township; ~~or addressed to the~~

(3) superintendent of schools or any officer of the governing body of any other school corporation.

[20-3-14-6] Sec. 14. ~~Sec. 6:~~ (a) A remonstrance under ~~either~~ section ~~3 11~~ or ~~section 4 12~~ of this chapter ~~should~~ **must** be in substantially the following form:

The undersigned hereby remonstrate against the annexation of the following described territory situated in _____ County, Indiana, whereby it would be transferred from _____ (the losing corporation) to _____ (the acquiring corporation):

(Description of the annexed territory sufficient to identify it.)

The remonstrance may be filed in any number of counterparts. Each counterpart ~~shall~~ **must** have attached to it the affidavit of the ~~person~~ **individual** circulating ~~it~~ **the counterpart** that **affirms that** each signature appearing ~~thereon~~ **on the counterpart** was affixed in ~~his~~ **the** presence ~~of the individual circulating the counterpart~~ and **that each signature** is the true and lawful signature of the ~~person~~ **individual** who made it. The ~~person~~ **individual** who makes ~~such the~~ affidavit ~~need~~ **is** not **required to** be one (1) of the ~~persons~~ **individuals** who signs the counterpart to which ~~it the~~ **the affidavit** is attached. ~~Such~~ **The** remonstrance ~~shall~~ **must** be accompanied by a complaint filed by one (1) or more of the remonstrators. ~~who shall~~ **The individual or individuals who file the complaint must** be treated as a representative of the entire class of remonstrators and ~~signed by such remonstrator or his attorney; stating the reasons for the remonstrance. Such must sign the complaint individually or have their respective attorneys sign it. The complaint must state the reasons shall be for the remonstrance. The reasons for the remonstrance are~~ limited to the following:

(1) There is a procedural defect in the manner in which the annexation is carried out ~~which that~~ **is** jurisdictional.

(2) The annexed territory does not form a compact area abutting the acquiring **school** corporation.

(3) The losing school corporation is left with no high school



1 facilities, or its enrollment after annexation will be less than one
 2 thousand (1,000) pupils; ~~students. Provided, however, That such~~
 3 ~~reasons for remonstrance shall not apply in a situation where the~~
 4 **This subdivision does not provide a basis for a remonstrance**
 5 **if the** annexation includes all of the territory of the losing school
 6 corporation.

7 (4) The benefits to be derived from the annexation are outweighed
 8 by ~~its the~~ detriments ~~taking into consideration after~~
 9 **consideration of** the respective benefits and detriments to the
 10 schools, ~~and of the pupils students~~ residing in the acquiring
 11 school corporation, the **students residing in the** losing school
 12 corporation, and the **students residing in the** annexed territory.

13 (5) The disposition of assets and liabilities of the losing
 14 corporation, the allocation of school tax receipts between the two
 15 (2) school corporations, and the amount to be paid by the
 16 acquiring school corporation as set out in the annexation
 17 resolution are inequitable.

18 Except ~~with respect to for~~ subdivision (1), ~~such allegations each~~
 19 **allegation enumerated under this subsection** may be made in the
 20 statutory language.

21 (b) The plaintiff in ~~such a remonstrance suit shall be~~ **is the person**
 22 **individual** whose name appears on the complaint and may be the
 23 losing school corporation in a remonstrance under section ~~4 12~~ of this
 24 chapter. The defendants in a remonstrance under section ~~3 11~~ of this
 25 chapter ~~shall be both are~~ the acquiring **school corporation** and the
 26 losing ~~corporations; and school corporation. The defendant in a~~
 27 remonstrance under section ~~4 12~~ of this chapter ~~shall be~~ **is the**
 28 acquiring school corporation. Service of process shall be made on ~~the~~
 29 ~~defendants as each defendant in the manner required~~ in other civil
 30 actions.

31 (c) ~~For the purposes of determining whether the~~ **In order to**
 32 **determine if a** petition ~~was is~~ timely filed, the time of filing ~~shall be~~ **is**
 33 the time of filing with the clerk without regard ~~as~~ to the time of
 34 issuance of the summons. ~~where If~~ the thirtieth day falls on Sunday, a
 35 holiday, or any other day when the clerk's office is not open, the time
 36 ~~shall for filing must~~ be extended to the next day when ~~such the clerk's~~
 37 office is open.

38 (d) The issues in ~~any a~~ remonstrance suit ~~shall be~~ **are** made up by
 39 the **allegations in the** complaint ~~that are the allegations thereof being~~
 40 ~~deemed~~ denied by each defendant. ~~No A responsive pleading need or~~
 41 ~~may be does not need to be filed. except that any A defendant may~~
 42 ~~where appropriate~~ file a motion to dismiss the suit on the ground **that**
 43 **the:**

44 (1) ~~that the~~ requisite number of qualified remonstrators have not
 45 signed the petition;

46 (2) ~~that the~~ remonstrance was not timely filed; or



(3) ~~that the~~ complaint does not state a cause of action.

~~No A~~ responsive pleading to ~~this a~~ motion to dismiss does not need or may to be filed. With respect to a motion under subdivisions (1) and (2), the allegations ~~shall be~~ **are deemed considered** denied by the remonstrators. ~~For purposes of determining~~ **In order to determine** whether there are the requisite number of qualified remonstrators, ~~no person shall be an individual is not~~ entitled to withdraw ~~his the individual's~~ name after a remonstrance ~~has been~~ **is** filed, ~~nor shall any person be and an individual is not~~ entitled to add ~~his the individual's~~ name to ~~such the~~ remonstrance ~~Any person after the remonstrance is filed.~~ **An individual** may, however, at ~~the a~~ **a remonstrance** trial, of ~~such cause and~~ in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that ~~he the individual~~ wishes ~~his name added to add or withdrawn~~ **withdraw the individual's name** from the remonstrance. The court may ~~either~~ hear all or a part of the matters raised by the motion to dismiss separately, or ~~the court~~ may consolidate **all or part of the matters in the motion to dismiss with matters relating to the substance of the case** for trial. ~~all or a part of such matters with the matters relating to the substance of the case.~~ ~~No A~~ complaint ~~shall may not~~ be dismissed for failure to state a cause of action if a fair reading of the complaint makes out one (1) of the grounds for remonstrance and suit provided in subsection (a). An amendment of the complaint may be permitted in the discretion of the court if ~~it the~~ **the amendment** does not state a new ground of remonstrance.

(e) ~~The trial of A remonstrance suit shall trial must~~ be conducted **in the same manner** as other civil cases by the court without the intervention of a jury on the issues raised by ~~the a~~ complaint ~~and/or or~~ a motion to dismiss, **or both**. A change of venue from a judge ~~but no change of venue from the county, will be~~ **is** permitted, ~~but a change of venue from the county is not permitted.~~ The court ~~will shall~~ expedite the hearing of the case. ~~Its A court's~~ judgment, except with respect to ~~any a~~ matter raised under subsection (a)(5), ~~shall must~~ be ~~either: that the:~~

- (1) ~~that the~~ annexation ~~shall will~~ take place;
- (2) ~~that the~~ annexation ~~shall will~~ not take place; or
- (3) ~~that the~~ remonstrance ~~shall be~~ **is** dismissed.

(f) ~~In the event~~ **If** the court finds that the remonstrators have proved ~~the reasons a reason~~ for the remonstrance described in ~~any one (1) of the first four (4) numbered reasons for remonstrance under subsection (a); its subsection (a)(1) through (a)(4),~~ the court's judgment shall be that the annexation ~~shall will~~ not take place. ~~unless they have proved one of such four (4) numbered reasons; its~~ **If the remonstrators fail to prove a reason for the remonstrance described in subsection (a)(1) through (a)(4), the court's** judgment shall be that the annexation ~~shall will~~ take place. ~~With respect to any matter raised~~



under subsection (a)(5); its ~~If the remonstrators raise an issue under subsection (a)(5) in support of a remonstrance, the court's judgment~~ may be either that the disposition, allocation, and amount set out in the annexing resolution are equitable or ~~that they are inequitable. In the latter event~~ **If the court finds that the disposition, allocation, and amount set out in the annexing resolution are inequitable,** the court ~~in its judgment~~ shall provide for an equitable disposition, allocation, and amount. Costs ~~shall will~~ follow judgment. Appeals may be taken from any judgment of the court in the same manner as appeals are taken in other civil cases.

[20-3-14-7] Sec. 15. ~~Sec. 7:~~ With respect to whether the disposition of the assets and liabilities of the losing school corporation **is equitable, the allocation of school tax receipts is equitable,** and the amount to be paid by the acquiring school corporation is equitable, ~~the~~ **a court shall must** be satisfied that the annexing resolution conforms substantially to the following standards:

~~(a) The~~ **(1) Except for current obligations or temporary borrowing, the** acquiring school corporation shall assume a ~~portion part~~ of all installments of principal and interest on ~~any the~~ indebtedness of the losing school corporation ~~(other than current obligations or temporary borrowing) which fall that is due~~ after the end of the last calendar year in which the losing school corporation is entitled to receive current tax receipts from property tax levies on the property on the annexed territory. ~~Such~~ **The portion shall consist part assumed by the acquiring school corporation consists** of the following:

~~(+)~~ **(A)** All ~~such~~ installments relating to any indebtedness incurred in connection with the acquisition or construction of ~~any a~~ building located in the annexed territory.

~~(2) (B)~~ A proportion of all ~~such~~ installments relating to any other indebtedness ~~which that is in~~ the same proportion as the valuation of the real property in the annexed territory bears to the valuation of all the real property in the losing school corporation. ~~as the same is assessed~~ **Valuation under this clause is based upon the assessment** for general taxation immediately ~~prior to before~~ annexation.

~~(b) (2)~~ The acquiring school corporation shall make the payments and assume the obligations provided for a school corporation acquiring:

(A) territory; ~~and/or~~

(B) a building or buildings; **or**

(C) both territory and a building or buildings;

under IC 21-5-10.

~~(c) (3)~~ Unless the losing school corporation ~~shall consent~~ **consents to some other another** allocation, the ~~portion part~~ of the special school and tuition fund ~~moneys money~~ collected by the



losing school corporation shall not be allocated in a greater amount to the acquiring school corporation than would be awarded if ~~such the~~:

(A) two (2) corporations were respectively the original school corporation and the annexing school corporation ~~within the meaning of under IC 20-4-16[??];~~ **IC 20-23-16**; and ~~the~~

(B) amount to be paid ~~to~~ the losing corporation by the acquiring school corporation ~~on account of~~ **based on** the acquisition by the acquiring school corporation of a building in the annexed territory ~~shall may~~ not be less than would be awarded if ~~such the~~ two (2) school corporations were respectively the acquiring **school** corporation and original school corporation ~~within the meaning of under IC 20-4-15[??];~~ **IC 20-23-16**.

~~(d) Where~~ **(4) If** the annexed territory includes ~~all of any an~~ **entire** losing school corporation, the acquiring school corporation shall:

(A) acquire all ~~of~~ the property and assets of the losing school corporation without making ~~payment of any nature for the same and shall any payments for the losing school corporation; and~~

(B) assume all of the liabilities and obligations of the losing school corporation.

[20-3-14-8] Sec. 16. ~~Sec. 8:~~ (a) ~~in the event any If~~ a remonstrance is filed on any ground other than ~~that set forth in a ground set forth in~~ section ~~6(a)(5)~~ **14(a)(5)** of this chapter, annexation ~~shall does~~ not become effective until final judgment in the remonstrance suit. ~~Judgment shall not be~~ **A judgment is not** considered ~~to be~~ final until the time for taking an appeal has expired or, if an appeal is taken within ~~such the permitted~~ time, until **a final judgment is issued** in the appeal.

(b) A judgment of ~~the a~~ trial court dismissing a remonstrance ~~shall be considered to be~~ **is** a final judgment, subject to ~~the provisions of the preceding sentence: subsection (a). In the event such~~

(c) ~~If~~ a judgment is against ~~the~~ annexation, no further annexation of the annexed territory may ~~take place for a period of~~ **occur for** two (2) years ~~from after~~ the date ~~such of the filing of the~~ remonstrance. ~~was filed: This shall not;~~ However, **a judgment against annexation does not** prevent either the:

(1) acquiring **school corporation; or the**

(2) acquiring **school corporation** and ~~the~~ losing school **corporations corporation;**

from rescinding the annexation resolution. ~~and in such event If an annexation resolution is rescinded under this subsection,~~ the suit ~~shall must~~ be dismissed without prejudice. ~~In such latter event such If an annexation suit is dismissed without prejudice under this subsection,~~ the two (2) year prohibition ~~shall does~~ not apply unless a



subsequent annexation resolution is adopted primarily for the purpose of harassment and not for ~~some other~~ **another** purpose, such as the correction of procedural irregularities or a substantial change in the annexed territory ~~and/or or~~ the annexation resolution.

~~(b) Where the~~ **(d) If** a remonstrance relates solely to ~~any a~~ matter raised under section ~~6(a)(5)~~ **14(a)(5)** of this chapter, the annexation ~~shall take~~ **takes** effect at the time provided under sections ~~3 11~~ or ~~4 12~~ of this chapter.

[20-3-14-9] Sec. 17. ~~Sec. 9:~~ Notwithstanding any **other** statute ~~which that~~ provides in substance that the boundaries of ~~any a~~ school city or school town are coterminous or coextensive with the boundaries of ~~any a~~ civil city or civil town, the boundaries of a school city ~~(as such term is defined in this chapter)~~ **shall may** be changed, after March 8, 1961, solely by ~~an~~ annexation in accordance with the terms of this **under this** chapter ~~if this chapter was~~ in effect at the time ~~such the~~ annexation ~~is became~~ effective or finally effective. **[QUERY: IS THIS DATE STILL NECESSARY?]**

[20-3-14-10] Sec. 18. ~~Sec. 10: All laws~~ **(a) Except as provided in subsection (b), a law or parts a part of laws a law** in conflict with this chapter ~~are hereby is repealed:~~ **void.**

(b) This chapter ~~shall may~~ not ~~however,~~ be construed to ~~repeat~~ **invalidate** ~~IC 20-4-1~~ **IC 20-23-4, IC 20-23-16,** or any **other** statute concerning the consolidation of two (2) or more school corporations to which this chapter ~~shall be~~ **is** supplementary. ~~except~~ **However,** **IC 20-23-4 and IC 20-23-16 are void** to the extent that ~~IC 20-4-1~~ **IC 20-23-4 and IC 20-23-16 conflicts conflict** with the subsequent provisions of this section. ~~No~~

(c) ~~An annexation that is undertaken pursuant to, or that results by operation of, any section of this sought under this~~ chapter **shall** require, for its effectiveness, ~~any does not require the approval of any a:~~

(1) county committee; ~~or~~

(2) state commission; or

(3) committee created ~~pursuant to, under~~ or referred to in IC 20-4-1[??]. ~~The provisions of~~

(d) Acts 1961, c.186, s.9, with respect to ~~any an~~ annexation ~~which~~ **that** is finally effective ~~prior to before~~ February 25, 1969, ~~shall operate~~ **operates** after March 8, 1961, ~~both before and after a final plan has been is~~ put into effect by:

(1) election;

(2) petition; ~~or other~~

(3) ~~another~~ proceeding under the provisions of IC 20-4-1[??]; or ~~any other~~

(4) ~~another~~ statute concerning the consolidation of two (2) or more school corporations.

[20-3-14-11] Sec. 19. ~~Sec. 11:~~ Acts 1961, c.186, s.9 is repealed ~~as~~



to all annexations which have not become regarding an annexation that is not effective or finally effective prior to before February 25, 1969.

[20-3-13-1] Sec. 20. ~~Sec. 1:~~ (a) This chapter section applies to a school city that is subject to ~~IC 20-3-11:~~ described in IC 20-25-1-1.

(b) ~~Any and~~ All real estate belonging to a school city consisting that:

(1) consists of lots and buildings ~~thereon;~~ on the real property of the school city; and which

(2) has not been used for school purposes for a period of at least five (5) years; ~~or more;~~

may be transferred to and placed under the jurisdiction of the board of park commissioners of ~~such the school city~~ and ~~shall must~~ be operated, managed, controlled, and maintained as a recreation center for the use and benefit of ~~such the school city~~.

Chapter 6. Determination of School City Conditions and Needs

[20-3.1-3-1] Sec. 1. The following school city conditions and needs are found to exist on January 1, 1995:

(1) Education in the school city presents unique challenges.

(2) Student achievement in the school city on statewide tests consistently has been significantly below:

(A) the state average; and

(B) achievement attained in school corporations adjacent to the school city.

(3) The need for remediation of students in the school city consistently has been significantly higher than:

(A) the state average; and

(B) remediation ~~levels~~ rates in school corporations adjacent to the school city.

(4) Graduation rates in the school city consistently have been significantly below:

(A) the state average; and

(B) graduation rates in school corporations adjacent to the school city.

(5) Student attendance rates in the school city consistently have been below:

(A) the state average; and

(B) student attendance rates in school corporations adjacent to the school city.

(6) There are individual schools in the school city whose students are achieving, ~~However,~~ but overall student achievement in the school city is unsatisfactory.

(7) Improving education in the school city requires unique legislative intervention.

(8) Educator driven, school level control of efforts to improve student achievement in their schools and a program of



performance awards in the school city will encourage the development and use of:

- (A) innovative teaching methods;
- (B) improved opportunities for teacher professional development;
- (C) programs achieving greater levels of parental involvement;
- (D) more efficient administrative efforts; and
- (E) improved student achievement.

(9) Greater accountability among educators in their schools, including:

- (A) evaluations based on student achievement measures and administrative efficiency criteria; and
- (B) annual reports to the public regarding student achievement information and administrative performance measures;

will encourage the development and use of creative and innovative educational methods and improve student achievement.

(10) Providing a range of remediation opportunities to students in the school city who:

- (A) fail to meet state achievement standards; or ~~who~~
- (B) are determined to be at risk of academic failure by the board;

will enhance the educational opportunities available to students and improve student performance.

(11) Enhanced intervention for schools whose students fail to meet expected performance levels will improve the:

- (A) educational opportunities; and
- (B) educational achievement;

in the school city.

(12) Allowing students to attend neighborhood schools and the development and implementation of a plan by the board to increase student performance and achievement in the school city are necessary **to:**

- (A) ~~to achieve these~~ the legislative objectives **referred to in this section; and**
- (B) ~~to~~ meet the unique challenges to education **in the school city; and**
- (C) improve student achievement in the school city.

Chapter 7. Neighborhood Schools

[20-3.1-4-1] Sec. 1. The school city shall offer a parental choice program that allows ~~parents~~ **a parent** the opportunity to choose the school ~~within~~ **in** the school city that the parent's child will attend.

[20-3.1-4-2] Sec. 2. (a) The board shall establish appropriate criteria to:

- (1) set priorities for parental choices; and
- (2) assign students to schools.



(b) Criteria established under this section must provide that if the ~~parents~~ **parent** of a student ~~choose~~ **chooses** to enroll the student in a neighborhood school, the student ~~shall~~ **will** be assigned to the neighborhood school, subject only to building capacity limitations.

Chapter 8. Parental Involvement in Schools

[20-3.1-5-1] Sec. 1. As used in this chapter, the term "student's ~~parents~~ **parent**" includes the foster ~~parents~~ **parent** of a student.

[20-3.1-5-2] Sec. 2. (a) Each school in the school city shall develop a written compact ~~between~~ **among**:

- (1) the school;
- (2) the students;
- (3) the students' teachers; and
- (4) the students' parents.

(b) A written compact ~~shall~~ **must** contain the expectations for:

- (1) the school;
- (2) the student;
- (3) the student's teachers; and
- (4) the student's ~~parents~~ **parent**.

(c) Each educator at the school shall affirm and sign the compact. ~~and~~

(d) Each student and the student's ~~parents~~ **parent** shall ~~come~~ **go** to the school before the start of each school year to sign and affirm the compact.

[20-3.1-5-3] Sec. 3. Each school shall report to the county office of family and children the names of foster parents who have not completed a compact under this chapter.

Chapter 9. Performance Measures for Student Achievement

[20-3.1-6-1] Sec. 1. ~~IC 20-10-2-5~~ **IC 20-31-8** applies to the school city and its schools. The **board shall use the** student performance improvement levels ~~developed~~ **established** under ~~IC 20-3.1-8-1~~ **IC 20-25-11-1** ~~shall be used by the board~~ to:

- (1) assess;
- (2) report; and
- (3) improve;

the performance of schools, educators, and students in the school city.

[20-3.1-6-2] Sec. 2. The board shall use state achievement standards to identify students in need of summer remediation services.

[20-3.1-6-3] Sec. 3. The board shall use the student performance improvement levels ~~developed~~ **established** under ~~IC 20-3.1-8-1~~ **IC 20-25-11-1** to:

- (1) implement the board's plan;
- (2) evaluate school performance;
- (3) publish annual reports; and
- (4) determine academic receivership under ~~IC 20-3.1-14~~.

IC 20-25-15.

[20-3.1-6-4] Sec. 4. The board shall use student performance



improvement levels to determine whether to place a school in academic receivership under ~~IC 20-3-1-14~~. **IC 20-25-15.**

[20-3.1-6-5] Sec. 5. Each school in the school city shall measure and record:

(1) the ~~school's~~ students' achievement in reaching the school's student performance improvement levels established under ~~IC 20-3-1-8~~; **IC 20-25-11**;

(2) student achievement information for the school described in ~~IC 20-1-21-9[??]~~ **IC 20-20-8-8** and ~~IC 20-1-21-9.5~~; **IC 20-25-9-6**; and

(3) teacher and administrative performance information for the school described in ~~IC 20-1-21-9.5~~; **IC 20-25-9-6**;

which in each case must not be less rigorous than the student performance improvement levels and information developed and required under ~~IC 20-10-2-5~~. **IC 20-31-8.**

[20-1-21-9.5] Sec. 6. ~~Sec. 9.5~~. For all schools under ~~IC 20-3-1~~, **IC 20-25**, the report must include the following, in addition to the requirements of ~~IC 20-1-21-9~~; **IC 20-20-8-8**:

(1) Student achievement information as follows:

(A) For each elementary and middle school, grade advancement rates.

(B) For each high school, the percentage of students who apply to, are accepted by, and attend a college, university, or other post-secondary educational institution after high school.

(2) Administrative performance measures as follows:

(A) School receipts and expenditures by source, compared with budget amounts.

(B) Total school enrollment.

(C) The school's general fund expenditures per student and total expenditures per student.

(D) The amount and percentage of the school's general fund expenditures and the amount and percentage of total expenditures directly reaching the classroom as determined by a formula to be established by the board.

(E) Teacher/pupil ratios aggregated by class, grade, and school.

(F) Administrator/pupil ratio for the school.

(G) Teacher attendance rates aggregated by class, grade, and school.

(3) Achievement on the annual performance objectives identified under ~~IC 20-3-1-8~~. **IC 20-25-11.**

(4) The performance objectives established under ~~IC 20-3-1-8~~ **IC 20-25-11** for the upcoming school year.

(5) State and school city averages for each of the measures set forth in subdivisions (1) through (2), if available.

Chapter 10. Board Plan for Improvement of Student



Achievement

[20-3.1-7-1] Sec. 1. (a) The board shall modify, develop, and implement a plan for the improvement of student achievement in the schools ~~within~~ **in** the school city.

(b) A plan modified, developed, and implemented under this chapter must be consistent with this article and with ~~IC 20-10-2~~ **IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10.**

[20-3.1-7-2] Sec. 2. The plan modified, developed, and implemented under this chapter must do the following:

(1) Provide for efforts to increase support of the schools by:

(A) the parents of students; and

(B) the neighborhood communities surrounding the schools.

(2) Establish student performance improvement levels for students in each school ~~within~~ **in** the school city that are not less rigorous than the student performance improvement levels developed under ~~IC 20-10-5~~ **IC 20-10.2[??]**.

(3) Provide opportunity and support for the educators in each school to develop a school plan, including:

(A) traditional or innovative methods and approaches to improve student achievement; and

(B) efficient and cost effective management efforts in the school;

that are developed consistently with ~~IC 20-3-1-9-1~~ **IC 20-25-12-1** and with the board's plan developed under this chapter.

(4) Require annual reports identifying the progress of student achievement for each school as described in ~~IC 20-1-21-9[??]~~ **IC 20-20-8-8 and IC 20-1-21-9-5: IC 20-25-9-6.**

(5) Provide for the effective evaluation of:

(A) each school ~~within~~ **in** the school city; and

(B) the school's educators;

including the consideration of student achievement in the school.

(6) Provide a range of opportunity for remediation of students who:

(A) fail to meet state achievement standards; or

(B) are at risk of academic failure.

(7) Require action to raise the level of performance of a school if the school's students fail to achieve student performance improvement levels established for the school under ~~IC 20-3-1-8-1~~ **IC 20-25-11-1.**

[20-3.1-7-3] Sec. 3. The board shall:

(1) modify, develop, and publish the plan required under this chapter; ~~in compliance with the timelines of IC 20-10-2~~; and

(2) implement the modified plan;

in compliance with the timelines of ~~IC 20-10-2~~ **IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8,**



IC 20-31-9, and IC 20-31-10.

[20-3.1-7-4] Sec. 4. If the board revises the plan **required under this chapter** after the plan is published, the board shall publish the revisions.

[20-3.1-7-5] Sec. 5. (a) The board shall annually assess and evaluate educational programs offered by the school city to determine:

(1) the ~~programs'~~ relationship **of the programs** to improved student achievement; and

(2) the ~~programs'~~ educational value **of the programs** in relation to cost.

(b) The board may obtain information from:

(1) educators in the schools offering a program;

(2) students participating in ~~the a~~ program; and

(3) the parents of students participating in ~~the a~~ program;

in preparing an assessment and evaluation under this section. The assessment must include the performance of the school's students in achieving student performance improvement levels under ~~IC 20-10-2~~ **IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, IC 20-31-10, and IC 20-25-11-1.**

Chapter 11. Annual Performance Objectives

[20-3.1-8-1] Sec. 1. The board shall establish annual student performance improvement levels for each school that are not less rigorous than the student performance improvement levels under ~~IC 20-10-2~~ **IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, IC 20-31-10, including the following:**

(1) For students:

(A) improvement in results on assessment tests and assessment programs;

(B) improvement in attendance rates; and

(C) improvement in progress toward graduation.

(2) For teachers:

(A) improvement in student results on assessment tests and assessment programs;

(B) improvement in the number and percentage of students achieving:

(i) state achievement standards; and

(ii) if applicable, performance levels set by the board; on assessment tests;

(C) improvement in student progress toward graduation;

(D) improvement in student attendance rates for the school year;

(E) improvement in individual teacher attendance rates;

(F) improvement in:

(i) communication with parents; and



- 1 (ii) parental involvement in classroom and extracurricular
- 2 activities; and
- 3 (G) other objectives developed by the board.
- 4 (3) For the school and ~~the~~ school administrators:
- 5 (A) improvement in student results on assessment tests,
- 6 aggregated by class and grade;
- 7 (B) improvement in the number and percentage of students
- 8 achieving:
- 9 (i) state achievement standards; and
- 10 (ii) if applicable, performance levels set by the board;
- 11 on assessment tests, aggregated by class and grade;
- 12 (C) improvement in:
- 13 (i) student graduation rates; and ~~in~~
- 14 (ii) progress toward graduation;
- 15 (D) improvement in student attendance rates;
- 16 (E) management of:
- 17 (i) general fund expenditures; ~~per student~~ and
- 18 (ii) total expenditures;
- 19 per student;
- 20 (F) improvement in teacher attendance rates; and
- 21 (G) other objectives developed by the board.

22 Chapter 12. School Plans for Improvement

23 [20-3.1-9-1] Sec. 1. (a) ~~IC 20-10-2 applies~~ **IC 20-31-1, IC 20-31-2,**
 24 **IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and**
 25 **IC 20-31-10 apply** to the school city. ~~Beginning in the 2004-2005~~
 26 ~~school year;~~ The composition of ~~any~~ **a** local school improvement
 27 committee ~~shall be~~ **is** determined under ~~IC 20-10-2; IC 20-31-1,
 28 **IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8,**
 29 **IC 20-31-9, and IC 20-31-10.**~~

30 (b) The plan developed and implemented by the board under
 31 ~~IC 20-31-7~~ **IC 20-25-10** must contain general guidelines for decisions
 32 by the educators in each school to improve student achievement in the
 33 school.

34 (c) The board's plan shall provide for the publication to other
 35 schools ~~within in~~ **in** the school city and to the general community those:

- 36 (1) processes;
- 37 (2) innovations; and
- 38 (3) approaches;

39 that have led individual schools to significant improvement in student
 40 achievement.

41 [20-3.1-9-2] Sec. 2. (a) Educators in each school are responsible for
 42 improving student achievement in the school and may develop the
 43 educators' own school plan to achieve improvement that:

- 44 (1) conforms to the guidelines issued by the board; and
- 45 (2) has a cost that does not exceed the amount allocated to the
- 46 school under section 5 of this chapter.



(b) Educators may use traditional or innovative techniques that the educators believe will:

(1) best maintain a secure and supportive educational environment; and

(2) improve student achievement.

[20-3.1-9-3] Sec. 3. Each school's plan must include the development and maintenance of efforts to increase parental involvement in educational activities.

[20-3.1-9-4] Sec. 4. School plans ~~shall~~ **must** promote:

(1) increased options for; and

(2) innovative and successful approaches to; improving student achievement.

[20-3.1-9-5] Sec. 5. ~~Beginning with the 1996-1997 school year,~~ The approved general fund budget for each school ~~shall~~ **for a school year must** be, as nearly as is reasonable and practicable, proportionate to the total general fund budget for the school city in the same ratio as the school's estimated ADM compares to the school city's estimated ADM for that school year.

[20-3.1-9-6] Sec. 6. (a) Each school's educators may:

(1) determine the educational resources, goods, and services that are necessary and appropriate for improving student performance in the school; and

(2) obtain or purchase the educational resources, goods, and services.

(b) Purchases and acquisitions under this section are subject to:

(1) the general guidelines developed by the board; and

(2) the school's budget.

[20-3.1-9-7] Sec. 7. Subject to the general guidelines developed by the board and after consulting with the school's teachers, each school's administrators may determine the:

(1) sources of; and

(2) ~~portion~~ **part** of;

the school's available budget allocated for noneducational goods and services.

[20-3.1-9-8] Sec. 8. (a) If, as a result of a school's efforts to incur less expense than was budgeted in a fiscal year, the school has excess general fund money after the school's expenses for the fiscal year are paid in full, the school retains control of the excess.

(b) The school shall use excess general fund money retained under this section during the following school year for:

(1) professional development of the school's educators; and

(2) other classroom instructional purposes;

under the general guidelines developed by the board.

(c) The board may not consider a school's excess general fund money retained under this section when setting or approving the school's budget for subsequent years.



Chapter 13. Staff Performance Evaluations

[20-3.1-11-1] Sec. 1. ~~IC 20-6.1-9~~ **IC 20-28-11** does not apply to a school city.

[20-3.1-11-2] Sec. 2. ~~Beginning with the 1996-1997~~ **Each** school year, each school shall develop and implement a staff performance evaluation plan to evaluate the performance of the school's certified employees under guidelines established by the board.

[20-3.1-11-3] Sec. 3. A staff performance evaluation plan must do the following:

(1) Provide for evaluation of the school's and the school's educators' performance based ~~upon~~ **on** the school's students' performance improvement level under ~~IC 20-3.1-8-1,~~ **IC 20-25-11-1**, including the following:

(A) Student achievement on assessment tests and assessment programs.

(B) Graduation rates.

(C) Scholastic aptitude test scores.

(D) Other objective standards developed by the board for measuring student, teacher, and administrator performance improvement consistent with:

(i) state academic standards; and

(ii) student performance improvement levels developed under ~~IC 20-3.1-8-1.~~ **IC 20-25-11-1.**

(2) Provide for:

(A) the continuing professional development; and

(B) improvement of the performance;
of the individuals evaluated.

(3) Require periodic assessment of the effectiveness of the plan.

[20-3.1-11-4] Sec. 4. A staff performance evaluation plan may provide the basis for making employment decisions.

[20-3.1-11-5] Sec. 5. Development and implementation of a staff performance evaluation plan for each school is a condition for accreditation for the school under ~~IC 20-1-1-6(a)(5)[??].~~ **IC 20-19-2-8-(a)(5).**

[20-3.1-11-6] Sec. 6. Each staff performance evaluation plan must:

(1) comply with guidelines established by; and

(2) be approved by;

the board.

[20-3.1-11-7] Sec. 7. ~~IC 20-6.1-4-5~~ **IC 20-28-6-4** and ~~IC 20-6.1-4-6~~ **IC 20-28-6-5** apply to certificated employees in the school city. A teacher's students' performance improvement levels under the assessment tests and programs of ~~IC 20-10-2~~ **IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10** may be used as a factor, but not the only factor, to evaluate the performance of a teacher in the school city.

Chapter 14. Summer Remediation



1 [20-3.1-13-1] Sec. 1. (a) The school city must provide summer
2 remediation services to each student in a designated grade level who
3 does not meet state achievement standards.

4 (b) The school city may provide summer remediation services to
5 students of any other grade level who are determined by the school city
6 to be at risk of academic failure.

7 [20-3.1-13-2] Sec. 2. The board may:

8 (1) request and receive competitive proposals from:

9 (A) a school of the school city;

10 (B) another public educational institution; or

11 (C) a group of educators from the school city;

12 to provide summer remediation services under guidelines and
13 specified performance standards established by the board; and

14 (2) contract with one (1) or more providers listed in subdivision

15 (1) to provide summer remediation services to students in the
16 school city.

17 [20-3.1-13-3] Sec. 3. **The school city:**

18 **(1) shall pay** the cost of summer remediation services; ~~shall be~~
19 ~~paid by the school city, which and~~

20 **(2)** may use all available funding from the state for the payment.

21 The purchase of remediation services is eligible for state
22 reimbursement in the same manner as other state funding, including
23 summer school funding.

24 [20-3.1-13-4] Sec. 4. (a) Summer remediation services provided by
25 contractors under section 2 of this chapter shall be **provided** at no
26 tuition cost to the student.

27 (b) Upon the request of the parent of a student described in section
28 1 of this chapter, the school city shall provide the parent with a summer
29 remediation subsidy in an amount equal to fifty percent (50%) of the
30 lowest per student cost of summer remediation services provided by a
31 contractor under section 2 of this chapter.

32 (c) A parent to whom a summer remediation subsidy is provided
33 may use the subsidy to purchase summer remediation services from a
34 provider located ~~within in~~ Marion County. The parent may choose to
35 use the remediation subsidy at an accredited public school. If the
36 amount of tuition for the remediation services is greater than the
37 amount of the remediation subsidy provided to the parent, the parent is
38 responsible for the additional amount.

39 (d) The allocated remediation subsidy is payable to a provider of
40 remediation services upon the provider's enrollment of the student in
41 the remediation program.

42 (e) Payment of a remediation subsidy fulfills the obligation under
43 this chapter of the school city to provide remediation services to a
44 student.

45 (f) If a student who has received a remediation subsidy does not
46 complete a remediation program, the provider of remediation services



1 shall ~~make a~~ refund of the remediation subsidy on a pro rata basis to
 2 the school city.

3 **Chapter 15. Academic Receivership**

4 [20-3.1-14-2] Sec. 1. ~~Sec. 2:~~ In addition to the consequences of
 5 ~~IC 20-10.2-6, IC 20-31-9, and beginning with the 2002-2003 school~~
 6 ~~year,~~ the board shall place a school in the school city in academic
 7 receivership if the school fails for any two (2) consecutive school years
 8 to meet student performance improvement levels.

9 [20-3.1-14-4] Sec. 2. ~~Sec. 4:~~ Before August 1 of a school year for
 10 which a school is placed in academic receivership, the superintendent
 11 and the board shall require the following:

12 (1) Evaluation of each administrator at the school.

13 (2) Evaluation of each teacher at the school.

14 (3) Evaluation of the school's educational plan.

15 (4) Consideration of:

16 (A) personnel;

17 (B) management;

18 (C) plan; and

19 (D) policy;

20 changes for the school to improve student performance at the
 21 school.

22 (5) Identification of significant;

23 (A) management;

24 (B) personnel;

25 (C) plan; or

26 (D) policy;

27 changes that in the board's judgment must be implemented to
 28 improve the school's performance.

29 [20-3.1-14-5] Sec. 3. ~~Sec. 5:~~ (a) If a school is placed in academic
 30 receivership, the superintendent and the board must take action to raise
 31 the school's level of performance.

32 (b) In addition to the consequences of ~~IC 20-10.2-6, IC 20-31-9,~~ the
 33 actions that the superintendent and the board may take to raise the
 34 performance of a school in academic receivership include the
 35 following:

36 (1) Shifting resources of the school city to the school.

37 (2) Changing or removing:

38 (A) the school principal;

39 (B) teachers;

40 (C) administrators; or

41 (D) other staff.

42 (3) Establishing a new educational plan for the school.

43 (4) Requiring the superintendent or another school city appointee
 44 to administer the school until the academic receivership status of
 45 the school is removed.

46 (5) Contracting with a:



- 1 (A) for-profit **organization**; or
- 2 (B) nonprofit organization; or
- 3 (C) individual;
- 4 to manage the school.
- 5 (6) Closing the school.
- 6 (7) Any other management, personnel, or policy changes that the
- 7 superintendent and board expect in the following school year to:
- 8 (A) raise the performance of the school; and
- 9 (B) avoid continuing academic receivership status for the
- 10 school.
- 11 (c) ~~If the provisions of this chapter if is~~ inconsistent with any other
- 12 law relating to:
- 13 (1) education;
- 14 (2) teachers; or
- 15 (3) common schools; ~~govern~~.
- 16 **this chapter governs.**
- 17 **Chapter 16. Additional Powers to Modify Policies and Waive**
- 18 **Requirements, Lease Property, and Transfer Funds**
- 19 [20-3.1-15-1] Sec. 1. To provide the board with the necessary
- 20 flexibility and resources to carry out this article, the following apply:
- 21 (1) The board may:
- 22 (A) eliminate or modify existing policies;
- 23 (B) create new policies; and
- 24 (C) alter policies;
- 25 ~~from time to time~~; **periodically**, subject to this article and the plan
- 26 developed under ~~IC 20-3.1-7~~; **IC 20-25-10**.
- 27 (2) ~~Beginning on July 1, 2001, IC 20-7.5~~ **IC 20-29** applies to the
- 28 school city, ~~however~~; **except for** the provision of ~~IC 20-7.5-1-5(a)~~
- 29 **IC 20-29-6-7(a)** that requires any items included in the
- 30 1972-1973 agreements between an employer school corporation
- 31 and an employee organization to continue to be bargainable. ~~does~~
- 32 ~~not apply to the school city~~.
- 33 (3) The board ~~of school commissioners~~ may waive the following
- 34 statutes and rules for any school in the school city without ~~the~~
- 35 ~~need for~~ administrative, regulatory, or legislative approval:
- 36 (A) The following rules concerning curriculum and
- 37 instructional time:
- 38 511 IAC 6.1-3-4
- 39 511 IAC 6.1-5-0.5
- 40 511 IAC 6.1-5-1
- 41 511 IAC 6.1-5-2.5
- 42 511 IAC 6.1-5-3.5
- 43 511 IAC 6.1-5-4.
- 44 (B) ~~The following rules~~ **511 IAC 6.1-4-1** concerning
- 45 ~~pupil/teacher~~ **student/teacher** ratios.
- 46 ~~511 IAC 6-2-1(b)(2)~~



~~511 IAC 6.1-4-1~~

(C) The following statutes and rules concerning textbooks, and rules adopted under the statutes:

~~IC 20-10.1-9-1[??]~~ **IC 20-20-5**

~~IC 20-10.1-9-18[??]~~

IC 20-10.1-9-21[??]

IC 20-10.1-9-23[??]

IC 20-10.1-9-27[??]

~~IC 20-10.1-10-1[??]~~ **IC 20-12-1**

~~IC 20-10.1-10-2[??]~~ **IC 20-12-2**

511 IAC 6.1-5-5.

(D) ~~The following rules~~ **511 IAC 6.1-4-2** concerning school principals.

~~511 IAC 6-2-1(c)(4)~~

~~511 IAC 6.1-4-2~~

~~(E) 511 IAC 2-2, concerning school construction and remodeling.~~

(4) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

(i) professional development; or

(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation ~~among to~~ any account of the school corporation, including a professional development and technology fund established under clause (B).

(5) Transfer funds obtained from property taxation ~~among to~~ the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this ~~clause~~ **subdivision**.

(B) This ~~clause~~ **subdivision** does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

[QUERY: STRICKEN PROVISIONS HAVE BEEN REPEALED. ALSO, POSSIBLY AN UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE AUTHORITY.]

